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LICENSING SUB-COMMITTEE

Wednesday, 18 March 2020 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Committee Secretary
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Councillors : Mahmut Aksanoglu (Chair), Derek Levy and Maria Alexandrou

Reserve Member: Vicki Pite

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. MAXI WINE CENTRE, 495 HERTFORD ROAD, ENFIELD EN3 5XH (REPORT NO. 243) (Pages 1 - 100)

Review Application

4. SARGE OFF LICENCE, 240 FORE STREET, EDMONTON N18 2QD (REPORT NO. 244) (Pages 101 - 158)

Review Application

5. CARPATHINA LTD, 337 BOWES ROAD, LONDON N11 1BA (REPORT NO. 245) (Pages 159 - 204)

Review Application

6. POLONEZZ, 14 GREEN LANES, LONDON, N13 6JR (REPORT NO. 246) (Pages 205 - 236)

Review Application

7. MINUTES OF PREVIOUS MEETINGS (Pages 237 - 256)

To receive and agree the minutes of the meetings held on Wednesday 22 January 2020 and Wednesday 26 February 2020.

8. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, 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).
(There is no part 2 agenda)

**MUNICIPAL YEAR 2019/20 REPORT
NO.243**

COMMITTEE :
Licensing Sub-Committee
18 March 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Maxi Wine Centre, 495 Hertford Road, ENFIELD, EN3 5XH.</p> <p>WARD : Enfield Highway</p>	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 The premises has held a licence to be an off licence since 10 February 2006 (LN/200500412).
- 1.2 This licence was subject to a minor variation in 2012 due to counterfeit alcohol being found on the premises.
- 1.3 This licence was reviewed in 2015 following repeated breaches of condition and illicit tobacco being found on the premises.
- 1.4 The premises licence (LN/200500412) was revoked by the Licensing Sub-Committee.
- 1.5 For the full background of this licence and review application, follow this link [here](https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=9164&Ver=4) or <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=9164&Ver=4> .
- 1.6 The premises licence holder at this time was Mr Uygur Altun.
- 1.7 On 26 August 2015, a new premises licence (LN/201500460) was granted to Mr Ali Riza Tulu, subject to modified conditions through representations by the Responsible Authorities, specifically including a condition that Mr Altun is not to be connected with the business.
- 1.8 Mr Tulu has also been the named Designated Premises Supervisor (DPS) since the grant of the new licence (LN/201500460).
- 1.9 No review applications have been submitted in relation to premises licence LN/201500460.

1.1 The current Premises Licence permits:

1.1.1 Hours the premises are open to the public: 24 hours daily.

1.5.2 Supply of alcohol (off supplies only): 10:00 to 00:00 (midnight) daily.

- 1.15 A copy of Part A of the current premises licence (LN/**201500460**) is attached in Annex 1.

THIS APPLICATION:

- 1.2 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201500460 and is produced in Annex 2.
- 1.3 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found a second time on the premises i.e. non-duty paid cigarettes. Breaches of licence conditions have also been witnessed. The premises has a history of similar issues in general.
- 1.4 **The review application is to revoke the premises licence in its entirety.**
- 1.5 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 1.6 Each of the Responsible Authorities were consulted in respect of the application.

2 RELEVANT REPRESENTATIONS:

- 2.1 **Metropolitan Police:** Representations have been made, supporting the review application and also seek full revocation of the premises licence, based on the prevention of crime and disorder licensing objective.
- 2.2 The Police's representation is attached as Annex 3.
- 3.2 Mr Ali Riza Tulu has not responded to the review application to date.

3 PROPOSED LICENCE CONDITIONS:

- 3.2 Trading Standards further request that if the Licensing Sub-Committee is minded not to revoke the licence that the licence be suspended until full compliance with the licence conditions has been demonstrated, and to consider adding two conditions. The full list of conditions is produced in Annex 4.

4 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 2017 ('Guid'); or
 - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are :
 - 4.3.1 the prevention of crime and disorder;
 - 4.3.2 public safety;
 - 4.3.3 the prevention of public nuisance; &
 - 4.3.4 the protection of children from harm [Act s.4(2)].
- 4.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 4.4.1 the Council's licensing policy statement; &
 - 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

- 4.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 4.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 4.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

- 4.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

- 4.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 4.9.1 to modify the conditions of the licence;
 - 4.9.2 to exclude a licensable activity from the scope of the licence;
 - 4.9.3 to remove the designated premises supervisor
 - 4.9.4 to suspend the licence for a period not exceeding three months;
 - 4.9.5 to revoke the licence [Act s.52].
- 4.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500460

Part 1 – Premises Details

Postal address of premises :

Premises name : Asya Wine Centre

Telephone number : Not provided

Address : 495 Hertford Road ENFIELD EN3 5XH

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 :	00:00 - 00:00
	Monday :	00:00 - 00:00
	Tuesday :	00:00 - 00:00
	Wednesday :	00:00 - 00:00
	Thursday :	00:00 - 00:00
	Friday :	00:00 - 00:00
	Saturday :	00:00 - 00:00

(2)	Supply of Alcohol - Off supplies	
	Sunday :	10:00 - 00:00
	Monday :	10:00 - 00:00
	Tuesday :	10:00 - 00:00
	Wednesday :	10:00 - 00:00
	Thursday :	10:00 - 00:00
	Friday :	10:00 - 00:00
	Saturday :	10:00 - 00:00

Part 2

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

Name : Mr Ali Riza Tulu

Telephone number : Not provided

e-mail : [REDACTED]

Address : [REDACTED]

Registered number of holder (where applicable) :

[REDACTED]

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 Ali Riza Tulu

Telephone number : Not provided

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 : [REDACTED]

Issuing Authority : London Borough of Enfield

Premises Licence LN/201500460 was first granted on 26 August 2015.



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

Date : 26th August 2015

Annex 1 - Mandatory Conditions

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Annex 2 - Conditions consistent with the Operating Schedule

- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 7. 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.**
- 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. Alcohol and cigarette stock shall only be purchased from registered wholesalers.**
- 10. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock.**
- 11. 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.

12. 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.

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

14. 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.

15. Prominent, clear and legible notices shall be displayed on all alcohol fridges and at all other alcohol display areas advising customers of the permitted sale of alcohol times.

16. Mr Uygur Altun (formally known as Kemal Altun) shall not be involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity.

17. 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.

18. 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

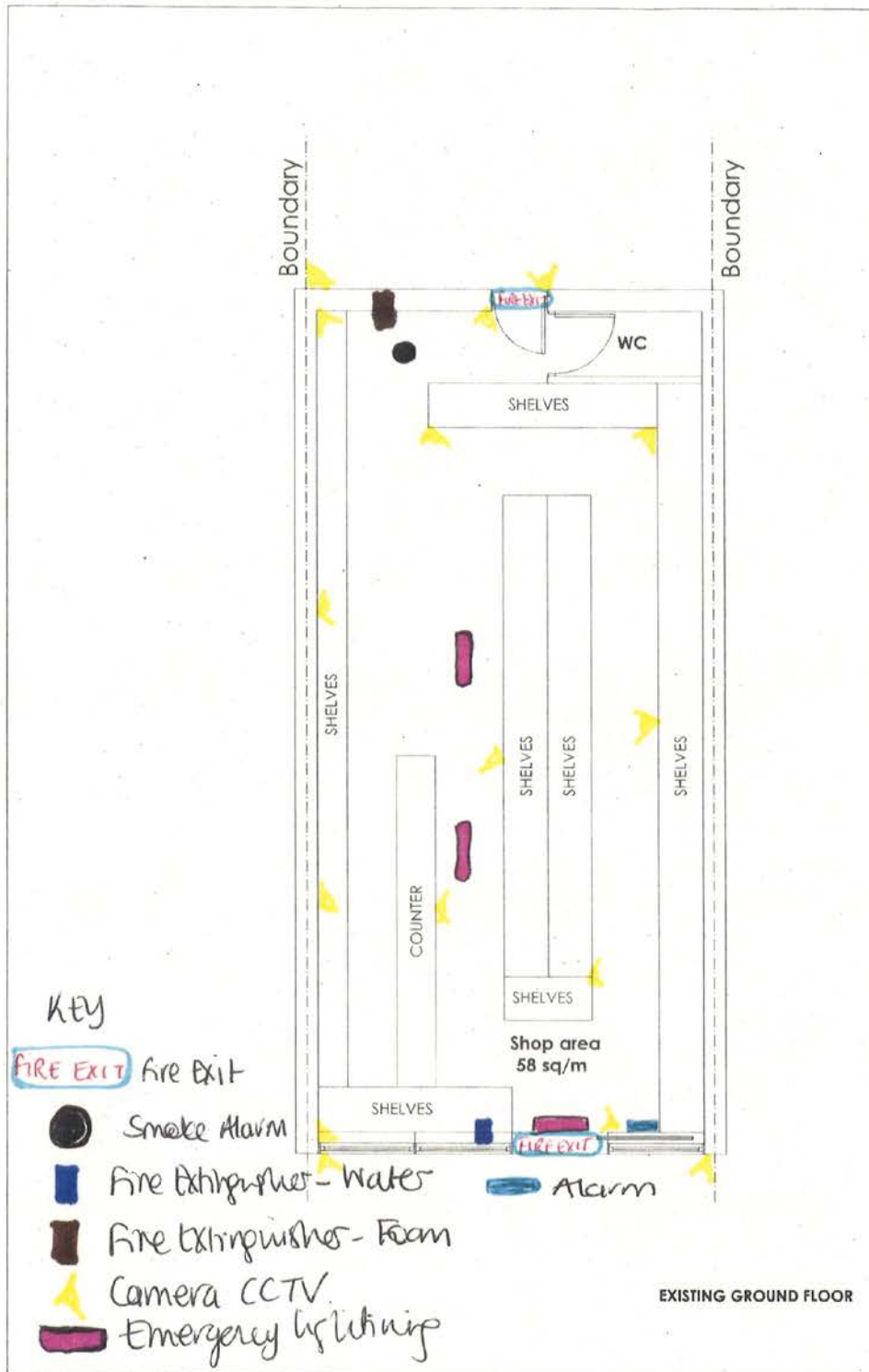
19. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme i.e. stickers.

20. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

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

Not applicable

Annex 4 – Plans



- KEY**
- FIRE EXIT Fire Exit
 - Smoke Alarm
 - Fire Extinguisher - Water
 - Fire Extinguisher - Foam
 - Camera CCTV
 - Emergency Lighting

Notes:
 Contractors must verify all dimensions of the site before commencing any work.
 No construction work before Local Authority consent, Planning Permission, Building Control approval and structural engineer confirmation.
 All structural elements inc. joists, beams and columns to be confirmed by structural engineer.
 Any discrepancies to be reported to Gridline.
 All drawings are to be read in conjunction with all relevant drawings and specifications.

Revision	Description
Gridline Architecture 0203 441 5897 0795032186 info@gridlinearchitecture.co.uk Wicken House, 2 Dole Park, NE3 1HE	
Project: 495 Hertford Road EN3 5XH	
Drawing title: Existing plans	
Client:	

Issue:	PLANNING APPLICATION Nol for construction <small>The drawing has been prepared by Gridline Architecture and the data contained herein may be used or reproduced only by Gridline Architecture, approval.</small>	0 1 2 3 4 5 M
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Date: 15.05.2012	Draw no: 4344740	Revision: 0
Scale: 1:5000000	Drawn by: F Co	Checked by: R Co

Annex 2

Application for the review of a premises licence or club premises certificate 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 **Amanda Butler- Senior Fair-Trading Officer**
Enfield Council Trading Standards

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Maxi Wine Centre (formally known as Asya Wine Centre) 495 Hertford Road	
Post town	Post code (if known)
Enfield	EN3 5XH
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Ali Riza TULU	
Number of premises licence or club premises certificate (if known)	
LN/201500460 issued on 26/8/2015	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Amanda Butler Senior Fair Trading Officer Enfield Council Trading Standards Department PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8 132 1572
E-mail address: Amanda.butler@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review: (please read guidance note 1)**1. Background.**

- 1.1 Enfield Trading Standards Authority is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises i.e. non-duty paid cigarettes and hand rolling tobacco.
- 1.2 This review is based on the prevention of crime and disorder licensing objective.
- 1.3 The review application is to revoke the premises licence in its entirety.

2. Previous History

- 2.1 495 Hertford Road was previously known as Asya Wine Centre. The Premises Licence holder was a Mr Kemal ALTUN who changed his name by deed poll to a Mr Uygur ALTUN in 2014.
- 2.2 **23rd November 2009:** Mr Kemal ALTUN was prosecuted under the Food Safety Act 1990 following the seizure of alcohol namely, 25 bottles of Spar branded Imperial Vodka containing excessive levels of methanol. Mr Kemal ALTUN was found guilty and ordered to pay a fine and costs.
- 2.3 **March 2012;** A minor variation was issued to add conditions to the licence following the discovery of counterfeit alcohol (3 bottles of Bollinger).
- 2.4 **21st July 2015,** Mr Altun's premises licence was revoked on the grounds of the Prevention of Crime and Disorder as the premises had been found to be selling nonduty paid tobacco and alcohol, contrary to Condition 15 of the premises licence which states: -

'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'

- 2.5 Condition 15 of the licence had also been breached 5 times in a year.
- 2.6 **26th August 2015**; a new premises licence was applied for by the current premises licence holder namely, Mr Ali Riza TULU. Condition 16 was added to the new premises licence which states: -
- 'Mr Uygur Altun (formally known as Kemal Altun) shall not be involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity'.***
- 2.7 Refer to **Appendix 1** for history of licensing review resulting in revocation of the premises licence).
- 2.8 Mr Ali Riza TULU has been the Owner, Designated Premises Supervisor (DPS) and premises licence holder for Asya Wine Centre now known as **Maxi Wine Centre- 495 Hertford Road EN3 5XH**, since 15th August 2015 to present date.

3.0 Recent Inspection History 2019

- 3.1 **03/06/2019**; Enfield Council Licensing Enforcement Team were notified by a Police Licensing Officer of alleged counterfeit alcohol and tobacco being sold from 495 Hertford Rd EN3 5XH. Two vans were alleged to be parked directly outside of the said premises.
- 3.2 **17/6/2019**; Enfield Council Licensing Team and Officers from HMRC conducted an inspection at Asya Wine Centre (now known as Maxi Wine Centre).
- 3.3 No Illicit tobacco were found on the premises at the time of the inspection.
- 3.4 There was a female on the premises who was identified as 'Aylin Yengin', Flat 57 Butterfly Court. She spoke very little English. A personal licence holder was not present at the time of the inspection contrary to Condition 14 of the Premises Licence which states: -
- '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'.***
- 3.5 During the inspection Officers identified cans of alcohol which were over 6.5% ABV (Alcohol by Volume) alleged to breach Condition 20 of the Premises Licence which states: -
- 'No super-strength beer, lagers or ciders of 6.5% ABV (Alcohol by volume) or above shall be sold at the premises' –***
- 3.6 Refer to Appendix 2 - CPX02 to CPX06: - Photos of alcohol
Refer to Appendix 2 - CPX/07: - Premises Licence
- 3.7 Officers observed a White Bipper van VRM: NU62 XVK parked directly outside of 495 Hertford Rd EN3 5XH. Staff were observed going back and forth to the van.

- 3.8 **25/6/2019**; Officers identified the White Bipper van VRM: NU62 XVK to be registered to a Mr Kemal ALTUN of 101 Southbury Rd, Enfield.
- 3.9 **5/7/2019**; Officers from Enfield Council Licensing Enforcement Team arrived at Maxi Wine Centre-495 Hertford Rd EN3 5XH and observed a White Bipper van parked directly outside of the premises.
- 3.10 Upon arrival, the Officers saw a young male outside of the premises who was looking around. The male retrieved a small item out of the van, put the item in his pocket and entered the said premises. The male identified himself as 'Filip Nadev'.
- 3.11 Officers entered, 495 Hertford Rd EN3 5XH and saw a tall broad male leave the premises with a small carrier bag.
- 3.12 Officers observed another male situated behind the counter and explained the nature of the inspection. The male did not speak much English and said to Officers that he would call the boss. The Officer asked the male who the boss was. The male replied 'Kemal' and made a telephone call. The male proceeded to send a text message as there was no answer on the telephone.
- 3.13 A couple of minutes later, a third male arrived at the premises and spoke to the male behind the counter in another language. The male behind the counter identified himself as 'Erkan' and then later said that his name was 'Svetlozar Atanasof'.

He explained to Officers that the boss was 'Ali'. Officers reminded 'Erkan' that he had told them that the name of the boss was 'Kemal'. Erkan replied '**No, I said it was Ali Riza**'. This was not the case. The third male kept speaking to 'Erkan' in another language.

- 3.14 Whilst at the premises, Officers conducted a full licensing inspection whereby the following alleged breaches of Premises Licensing Conditions were identified: -

3.14.1 Condition 4. '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'.

Erkan explained to Officers that he had not signed training records and did not know the meaning of 'Think 25' or a refusals book.

3.14.2 Condition 5. 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.

Erkan stated he had only worked there a few days but that he had been trained. However, he said he had not signed any training records and did not the meaning of 'Think 25' or a refusals book, when asked.

3.14.3 Condition 6. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

A Think 25 poster was on display. However, staff were unaware of the scheme.

- 3.14.4 **Condition 7. *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.***

Staff did not know what a refusals book was.

- 3.14.5 **Condition 11. *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.

No invoices were found. During the inspection, invoices in the name of Potters Mart Ltd were found. **Please see Appendix 3- (CPX/09 to CPX/10) - photograph of the invoices**

- 3.14.6 **Condition 14. *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.***

There was no personal licence holder on site.

- 3.14.7 **Condition 16. *Mr Uygur ALTUN (formally known as Kemal ALTUN) shall not be involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity.***

- 3.14.8 **Condition 17. *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.***

The staff claimed that they did not know how to use the CCTV system.

- 3.14.9 Condition 18. 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**

Staff were not aware of an incident book.

- 3.14.10 Condition 20. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.**

Lager of 7% (ABV) was found on the shelf and were subsequently advised to remove the alcohol from the premises.

Foreign labelled Kasztelan lager was identified on the premises. Officers advised that the labelling on alcohol products should be in English.

- 3.14.11 Non-compliant tobacco products namely 'Blunts' were also identified by Officers during the inspection.

- 3.14.12 Refer to Appendix 3:CPX/11-inspection report and Appendix 3: CPX12 to CPX14- photos of the invoices and alcohol.

- 3.15 **8/7/2019** Enfield Council Licensing Department ascertained the change of business name from **Asya Wine Centre** to **Maxi Wine Centre 495 Hertford Road 5XH**

- 3.16 **11/7/2019;** Director of Potters Mart Ltd was identified as a Mr Usman Kaleem. The licence holder and the Designated Premises Supervisor (DPS) was identified as a Mr Dervis ALTUN. Refer to Appendix 3:- CPX15- Premises licence for Potters Mart Ltd

- 3.17 **9/8/2019;**Officers from Enfield Licensing Team conducted observations from outside of Maxi Wine Centre.

The White Bipper van was parked outside of the said premises.

A male was observed standing outside, smoking next to the van. He kept going in and out of the premises but did not get anything out of the van.

- 3.18 **15/8/2019;** Senior Licensing Enforcement Officer and Police Licensing Officer conducted a licensing inspection at Maxi Wine Centre-495 Hertford Rd EN3 5XH.

Upon arrival, Officers observed the White Bipper Van VRM: NU62 XVK parked directly outside of the said premises.

Tobacco products namely 'Blunts' were identified as contravening tobacco legislation and removed from the premises.

An open packet of non-duty paid cigarettes were also observed next to a motor vehicle's key, which appeared to be for the White Bipper van VRM: NU62 XVK.

Officers requested a female member of staff namely 'Aylin' to open the White Bipper Van. 'Aylin' refused to open the said van as the van belonged to a male called 'Yusuf'. An Officer advised 'Aylin' that they had identified Mr Kemal ALTUN was the registered keeper of VRM: NU62 XVK. This was denied by 'Aylin'.

'Aylin' subsequently made a telephone call and advised Officers that 'Yusuf' was on his way to 495 Hertford Rd, EN3 5XH.

Twenty minutes later, a male who identified himself as 'Yusuf' arrived at the said premises and walked behind the shop counter. 'Aylin' proceeded to hand 'Yusuf' the keys to the van and the opened packet of Non-duty paid cigarettes. 'Yusuf' left the premises immediately without speaking to officers and entered the said van.

The Police Licensing Officer knocked on the window of the van. 'Yusuf' ignored the Officer and drove away from the premises.

It is alleged that Mr Uygur ALTUN (formally known as Mr Kemal ALTUN) is still actively running/managing the business from 495 Hertford Road, (although the premises licence holder is currently Mr Ali Riza TULU, contrary to Condition 16 of the premises licence).

- 3.19 **11/10/19**; a premises licence was granted to Mr Ali Riza TULU regarding premises currently known as **Maxi Wine Centre- 495 Hertford Road EN3 5XH**. No changes have been made to the licence since that time.
- 3.20 **28/10/19** ;Officers from Enfield Council Trading Standards, a Senior Licensing Enforcement Officer and a Police Licensing Officer were accompanied by a dog handler and a dog from Wagtail International to various retail premises within the Borough to combat the sale of illicit tobacco.

At approximately 11.30HRS, Officers conducted an inspection to Maxi Wine Centre (formally known as Asya Wine Centre) 495 Hertford Rd Enfield EN3 5XH.

Upon arriving at the said premises, Officers saw a female of Mediterranean appearance behind a shop counter. The Senior Licensing Enforcement Officer explained the nature of the inspection to the female who identified herself as Ms Eilem KILIC. Officers showed their credentials to Ms KILIC.

Ms Eilem KILIC's first language was not English and therefore made a telephone call on her mobile phone. The Senior Licensing Enforcement Officer asked to speak to the person on the telephone. The Officer spoke to a male who identified himself as Mr Dervish KILIK who explained that he was the business partner of the premises licence holder.

The Owner and premises licence holder, Mr Ali RIZA TULU was not on the premises at the time of the inspection.

The Dog handler and Dog from Wagtail International assisted with the inspection and found the following tobacco on the premises: -

- Fifty (x50) packets of 20 Marlboro Gold cigarettes
- Twenty-four (x24) packets of 20 P3ct cigarettes
- Fourteen (x14) packets of 20 Compliment Blue cigarettes
- Ten (x10) packets of 20 Compliment Purple cigarettes
- Twelve (x12) packets of 20 Marvel cigarettes
- Thirteen (x13) packets of 20 NZ cigarettes
- Fourteen (x14) packets of 20 L & M Cigarettes
- Nineteen (x19) packets of 20 Minsk cigarettes
- Seventeen (x17) packets of 20 NZ Gold cigarettes
- Ten (x10) packets of 20 Rothmans cigarettes
- Fourteen (x14) packets of 20 Lifa cigarettes
- Twenty (x20) packets of 20 Marlboro Touch cigarettes
- Four (x4) packets of 20 Victory Gold cigarettes

Total: 221 packets of 20 cigarettes (4420 sticks)

- Three (x3) packets of 20 Golden Virginia hand rolling tobacco (50g)
- Two (x2) Amber leaf hand rolling tobacco (50g)

Total: - 5 packets of hand-rolling tobacco (250g)

The afore-mentioned products were found in bags within cardboard boxes behind the shop counter.

The estimated excise duty and VAT evaded on the 4420 cigarettes is **£1559.11** and 5 packets of hand rolling tobacco seized is **£70.70**.

Also, during the inspection, illicit drug paraphernalia/polyethene bags were seen displayed for sale behind the shop counter. **Please see Appendix 2: - CPX22 to CPX26**

Refer to Appendix 4- Notice of Seizure and Notice of Powers

Refer to Appendix 3: -CPX17 to CPX26 Photos of the seized tobacco

- 3.21 **11/11/2019**; a letter was sent to Mr Ali RIZA TULU and Ms Eilem KILIC inviting them to attend a tape-recorded interview on 10th December 2019 under the provisions of the Police and Criminal Evidence Act 1984. They did not attend this interview.

This was in regard to the following alleged offences pertaining to the seized tobacco namely: -

Section 136 licensing Act 2003

It is alleged that the following premises licence conditions have been breached: -

Condition 14 of the premises licence which states: -

‘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’.

Mr Ali RIZA TULU was not on the said premises at the time of the inspection conducted on 28th October 2019 by Officers from Enfield Council’s Trading Standards Team, Licensing Enforcement Team and a Police Licensing Officer.

Condition 16 of the premises licence states: -

'Mr Aygar ALTUN (formally known as Kemal ALTUN) shall not be involved in anyway in the operation and/or management of the business or be permitted to work in the business in any capacity'.

Inspections from Enfield Council Licensing Enforcement Team and a Police Licensing Officer observed a White Bipper van VRM: NU62 XVK parked directly outside of 495 Hertford Rd EN3 on the 17th June 2019 and 15th August 2019, respectively. The van has been identified to be registered to Mr Kemal ALTUN alias Mr Aygar ALTUN.

Condition 10 of the premises licence states: -

'Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock'

On 5th July 2019, Officers from Enfield Licensing Dept conducted a licensing inspection at 495 Hertford Rd EN3. During the inspection, invoices were produced which stated the suppliers of alcohol and tobacco. The invoices were addressed to 'Potters Mart Ltd' 75 Darkes Lane.

The Company Director of Potters Mart Ltd has been identified to be a Mr Usman Kaleen and the premises licence holder has been identified as a Mr Dervis ALTUN who was not the premises licence holder for Asya Wine Centre or Maxi Wine Centre'.

- 3.22 **11/12/2019;** Senior Fair-Trading Officer wrote to Mr Ali Riza TULU and Eilem KILIC requesting them to contact them within 7 days in order to reschedule the PACE interview. Refer to Appendix 5- PACE letters and emails from and to Mr Ali Riza TULU

4. Suspected Offences;

4.1 Section 144 of the Licensing Act 2003

It is alleged that on 28th October 2019 Maxi Wine Centre- 495 Hertford Rd were found to be in possession of imported tobacco without payment of duty or which have otherwise been unlawfully imported

4.2 Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015

On 28th October 2019, Officers seized tobacco products alleged to breach Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015, in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it.

4.3 Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015

On 28th October 2019, Officers seized tobacco products alleged to breach Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling was not in English i.e. did not comply with the General warnings and information messages on tobacco products for smoking and/or General conditions applicable to all health warnings on tobacco products. **Contrary to Regulation 48 of the Tobacco & Related Products Regulations 2016.**

5.0 Additional Information:

- 5.1 Home Office revised guidance issued under section 182 of the Licensing Act 2003 (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).
- 5.2 The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.
- 5.3 On 11th February 2015, during the meeting of the Licensing Sub-Committee in regard to the application to review the premises licence of Asya Wine Centre -495 Hertford Rd, Paragraph 11 of the said minutes stated, ***'there would be no drug related paraphernalia in the shop'***. Please see Appendix 1- Paragraph 11.
- 5.4 However, during the Trading Standards and Licensing Inspection on 28th October 2019, photographs of small plastic bags believed to be drugs paraphernalia were identified.

6.0 Conclusion:

- 6.1 Enfield Trading Standards Authority is of the opinion that given the large volume of tobacco seized, it is appropriate to recommend that this licence be revoked, even in the first instance.
- 6.2 The afore-mentioned recommendation takes into consideration the previous premises licence revocation issued to Mr Uygur ALTUN (formally known as Kemal ALTUN) and the alleged breach(es) of the current premises licensing conditions i.e. 10, 14 and 16, contrary to Section 136 of the Licensing Act 2003
- 6.3 The fact that Mr Ali Riza TULU (who is the current Premises Licence Holder and Designated Premises Supervisor) was not on the premises at the time of the inspection, the alleged licensing breaches and alleged product safety non-compliances, the Trading Standards Authority has a lack of confidence in those running the business.
- 6.4 If the Licensing Committee is minded not to revoke the licence, then the Trading Standards Authority request that the licence be suspended until the following actions have been completed:
- 6.4.1 Full compliance with the licence conditions has been demonstrated.
- 6.5 Trading Standards make no recommendations regarding amendments to the licence conditions, as these had already been varied in March 2012 and have been demonstrated as not being adhered to. They contain the most appropriate and up to date conditions consistent with the Operating Schedule.
- 6.6 Trading Standards reserve the right to add any additional information to support this review application.

**7.0 Annex 3 - Conditions attached after a hearing by the Licensing Authority
Not applicable**

Add the following conditions:

- 7.1 Non-duty paid tobacco or alcohol must not be stored or sold from the premises or from any vehicle.
- 7.2 There will be no drug related paraphernalia in the shop or being displayed for sale

The Licensing Authority reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance the Trading Standards Authority feels it is appropriate to seek total revocation of the premises licence.	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

If you have made representations before relating to these premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – 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: 20th January 2020

Capacity: Senior Fair-Trading Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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 / [Agenda and minutes \(ieListDocuments.aspx?CId=217&Mid=9164&Ver=4\)](#) / Agenda item

Agenda item

ASYA WINE CENTRE, 495 HERTFORD ROAD, ENFIELD, EN3 5XH (REPORT NO. 167)

- **Meeting of Licensing Sub-Committee, Wednesday, 11th February, 2015 10.00 am (Item 405.)**
 (ieListDocuments.aspx?CId=217&MID=9164#AI33114)
- **View the background to item 405. (mgIssueHistoryHome.aspx?IId=38564)**

Application to review a premises licence.

Minutes:

RECEIVED the application made by the Licensing Authority for the review of the Premises Licence held by Mr Uygur Altun at the premises known as and situated at Asya Wine Centre, 495 Hertford Road, Enfield, EN3 5XH.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, that a request for the adjournment of the hearing had been received this morning on behalf of the Premises Licence Holder.
2. The statement of Mr Philip Howarth, Barrister, representing Mr Uygur Altun, (Premises Licence Holder and Designated Premises Supervisor), that he had just met Mr Altun and may need to take some further instructions from him, but he would be asking for an adjournment because a number of matters had arisen in respect of an application to vary the Designated Premises Supervisor. However, the panel may first wish to hear the full introduction by the Principal Licensing Officer.
3. The introductory statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application to review the Premises Licence of Asya Wine Centre.
 - b. The review was brought by the Licensing Authority.
 - c. The Licensing Authority considers that it is appropriate to revoke the Premises Licence, in order to support the prevention of crime and disorder licensing objective.
 - d. The application was supported by the Metropolitan Police Service, who also considered that it was appropriate to seek revocation of the licence.
 - e. All parties had received a bundle of colour photographs, which were referred to on page 13 of the agenda in respect of the licence inspection on 11 July 2014 as Appendix 1.
 - f. Additional information in respect of the Licensing Authority representation dated 6 February 2015 and admitted by the Chair on 9 February 2015 had been circulated to all parties.
 - g. The licence had been held by Uygur Altun since 24 April 2006.
 - h. Uygur Altun had also been the Designated Premises Supervisor since 22 May 2009.
 - i. This morning, solicitors on behalf of Mr Altun had made valid an application to vary the Designated Premises Supervisor from Uygur Altun to Halil Bolat. This was requested to be made with immediate effect in accordance with the Licensing Act 2003 s.13.
 - j. The Police had two weeks to consider the variation application. If the Police considered it suitable, the application would be granted and Mr Bolat's name would be added to the licence as Designated Premises Supervisor. If the Police made an objection, a hearing of the Licensing Sub Committee must be called.
 - k. The Premises Licence would still be held by Uygur Altun and Mr Altun would remain the named Designated Premises Supervisor and be deemed to have the responsibilities of that position for the next two weeks.
4. The statement of Mr Philip Howarth, Barrister, in clarification, including the following points:
 - a. One of the reasons that an application had been submitted to vary the Designated Premises Supervisor was to address many of the concerns raised by the responsible authorities.
 - b. He therefore invited the panel to consider an adjournment so that everything could be done properly. Solicitors had informed him that a valid application had been made. He suggested that it would be better and make more sense to bring this matter back when the Police had had the opportunity to consider the variation application.
 - c. The Premises Licence Holder also had a number of other proposals, including reductions of hours when alcohol would be sold, and changes in the shop.
 - d. There had been a spot check on 5 February 2015 which he understood to have been basically satisfactory. He would imagine that responsible authorities would again want to make checks, including that the new Designated Premises Supervisor could meet all conditions of the licence, and he would ask for adjournment so that could be done.

- e. He confirmed that a complete adjournment of the hearing was requested for about two weeks so that these matters could be sorted out. This would make sense so that all matters could be heard together and all parties would know the exact situation.
5. The advice of the Principal Licensing Officer that Uygur Altun had three months' notice of today's hearing. The application to vary the Designated Premises Supervisor had been made this morning. Potentially, that variation application could be withdrawn in two weeks' time. This Premises Licence had been held for a number of years. Uygur Altun was in attendance at this hearing, and he remained the licence holder responsible for operation of the licence. The variation application should not be material to a decision at this meeting. The Licensing Authority had rejected proposals for reduction of hours and still sought revocation of the licence.
 6. The Chair advised that the hearing was going to go ahead. He acknowledged the points made on behalf of the Premises Licence Holder but the sub-committee were minded to hear the review application today. The review application had been made on 4 November 2014, which was three months' ago, and related to a specific matter, which warranted consideration today. A change of Designated Premises Supervisor could be covered outwith of this hearing. The Chair clarified the process and order of the meeting.
 7. The Chair granted a request for a five minute adjournment to allow Mr Howarth to explain the procedure to Mr Altun as he was not sure that English was his first language.
 8. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority were requesting revocation of the Premises Licence of Asya Wine Centre.
 - b. On 11 August 2014 Trading Standards received allegations that the premises had been selling under the counter cigarettes for some time. On 15 August 2014 this was proved true as a sale was made to an officer carrying out a test purchase.
 - c. On 22 August 2014 an inspection found Famous Grouse whisky with duty stamp obliteration stickers removed on display.
 - d. These discoveries undermined the licensing objective of the prevention of crime and disorder.
 - e. The Secretary of State believes that the sale of smuggled alcohol should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.
 - f. This was not the first instance at this premises. The same person had held the licence since 2006. In 2009 Mr Altun was prosecuted following the seizure of vodka containing dangerous levels of methanol.
 - g. Conditions to the licence were strengthened, and the licence holder was warned in writing. Therefore the licence had conditions already included which were the additional conditions which the Licensing Authority would seek when such issues were discovered.
 - h. In May 2014 a letter in respect of new mandatory conditions attached to the licence was sent to the premises from the Licensing Team and including a further advice warning from Trading Standards.
 - i. There had been repeated breaches of licensing conditions especially Condition 15 that a personal licence holder be present on the premises throughout the permitted hours for the sale of alcohol.
 - j. Officers also had concerns regarding drugs paraphernalia for sale on the counter.
 - k. Charlotte Palmer had hand delivered the licence review application to the premises and had witnessed a customer with £5 in their hand ask for duty free cigarettes. Other officers had witnessed similar occurrences at the premises.
 - l. The premises was located within the Enfield Highway Cumulative Impact Policy (CIP) area.
 - m. There was already crime and disorder in this area. Activities at this premises could be adding to problems in the area.
 - n. The Licensing Authority had no confidence in those running this premises and they therefore asked for the licence to be revoked.
 9. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
 - a. The Police supported the application by the Licensing Authority for revocation of the licence.
 - b. Research was carried out on the Police intelligence systems in relation to this premises: no results came back.
 10. Questions were invited on the introductory statements:
 - a. The Chair asked the Principal Licensing Officer's views on the drugs paraphernalia and how that would undermine licensing objectives. It was advised that the equipment being sold was for smoking cannabis and would encourage such activity, eg Rizla papers, and grinders to grind it into a more usable material to smoke, and the scales could be used for other drugs. The equipment would encourage people to partake in illegal and nefarious activities.
 - b. In response to the Chair's queries about offences alleged arising from the 15 August 2014 test purchase, Charlotte Palmer confirmed that tobacco products legally must have health warnings written in English; and it was an offence under the Licensing Act 2003 to keep smuggled goods at the premises. The packet of cigarettes sold to the officer had foreign labelling – that was an offence – and having smuggled goods was an offence.
 - c. In response to the Chair's queries about the Licensing Enforcement Officers' visit on 5 February 2015 set out in the Licensing Authority's additional information, Charlotte Palmer confirmed that at this inspection there were entries in the refusals book (there were 13 entries since the last visit, in comparison to none in the previous month). There was also a record that six named staff had received training on 23 January 2015 – the same date as the previous

inspection. The Premises Licence Holder had said that the training was done that day after the officers had left. Charlotte Palmer advised that there were not normally six staff at the premises at the same time, and it could be questioned whether Mr Altun would be able to get them all in. The inspection on 23 January 2015 had taken place in the evening, at 19:40. Therefore if the training had taken place on that day they would have had to get all six people in on that evening. She confirmed that a personal licence holder was present at the 5 February 2015 visit, and that this visit was not a pre-booked appointment.

d. In response to further queries by Councillor Jagge, Charlotte Palmer confirmed the new entries had been made in the training records book since the previous inspection on 23 January 2015, and they set out the date of training, what the training was in, and who was trained. It was recorded that on 23 January 2015 six named people had received training. The date of 23 January 2015, at 19:40, was the last time that officers visited, to carry out a full licence inspection, and advised the licence holder that conditions were being breached, including Condition 6 and 7 relating to training.

e. In response to the question from the licence holder's representative about whether there was a prescription or legal requirement around how training should be done, or at any particular time or place, the wording of Conditions 6 and 7 of the licence were highlighted. Induction and refresher training (at least every three months) were required.

f. In response to further queries from the licence holders' representative that Mr Altun would have been told of compliance problems in no uncertain terms at the 23 January 2015 visit and it would not be surprising if he had then called in all his staff, Charlotte Palmer advised that officers would have told the licence holder which conditions he was breaching and how to comply. She had given the facts of the officer visits on 23 January and 5 February 2015.

g. The licence holder's representative asked about the novelty bags, scales, etc, noting that it was open for those items to be sold, that they were available from wholesalers and frequently promoted at cash and carry establishments. Charlotte Palmer responded that it was not illegal to sell these items, but that she had never seen them displayed in such a manner, on the counter, where sweets were also displayed.

h. The Principal Licensing Officer referred to the offer by the licence holder to reduce the hours for sale of alcohol and asked for the views of the Licensing Enforcement Officer on that offer. Charlotte Palmer confirmed that the licence holder had offered a reduction in hours to sell alcohol only between 10:00 and 23:00, which was just less than the CIP hours. She confirmed that the Licensing Authority still rejected this proposal or a proposal for a period of suspension of the licence: they still stood by their position of seeking revocation of the licence. The Licensing Authority remained concerned about how the premises were run, despite compliance now, there had been such a pattern over a number of years.

11. The statement of Mr Philip Howarth, Barrister, on behalf of the licence holder, including the following points:
 - a. He was accompanied by the Premises Licence Holder, Uygur Altun.
 - b. It had taken some time to get to this position; it had been argued that there had been a pattern over a few years, but the case did not have the intensity which may have been seen in others.
 - c. Trading Standards had clearly been concerned, but had conceded that there is compliance with the licence now. It may be that Uygur Altun had not approached matters in the way he should have, but signs were now positive that he is complying with the licence conditions at the moment and has made sensible concessions in respect of hours.
 - d. It was important that the premises created no more issues in the CIP area. It may well be that it would make policing easier by bringing hours into line with other off sales in the area.
 - e. The panel had the power to revoke the licence, but also to take other actions. The panel were required to look at the lowest sanction first, being mindful of the aims of the Licensing Act, and any sanction must be appropriate and proportionate.
 - f. He questioned whether it would be most appropriate to revoke the licence, and urged the panel to consider a position in between, to enable the business to continue in a structured and lawful way without undermining the Licensing Act.
 - g. Mr Altun had proposed a change of Designated Premises Supervisor and personal licence holder.
 - h. Mr Altun proposed a reduction in hours that alcohol was sold.
 - i. Mr Altun proposed structural changes to the shop to ensure that sales of alcohol could not be made outside the set hours.
 - j. There would be no drug related paraphernalia in the shop or in the same area of the shop as alcohol sales.
 - k. He requested consideration of a period of suspension of the licence, when trade in alcohol would not be permitted, to allow the licence holder to 'put their house in order'.
 - l. It may be that Trading Standards would want to add further conditions to the licence for Mr Altun to be able to prove the source of goods and that there were no more incidents of non duty paid goods. All of these things could be built into a licence as they were easily verifiable. Mr Altun had started complying with the refusals book. The panel may want to stop him from trading until this was done, by suspending the licence.

12. Questions were invited on the representation:
 - a. The Chair highlighted that the licence holder had "started complying with the refusals book", but checked and received confirmation that he had held the licence since 2006, had been prosecuted in 2009, and had varied the licence to strengthen conditions in 2012.
 - b. The Chair questioned why the licence holder had not acted on the letter of May 2014 and the Trading Standards advice that tobacco and alcohol must be bought from a reputable supplier and products must be evidenced by receipts, given the smuggled goods found at the premises in August 2014. It was responded that Uygur Altun was not

making the purchases at that time. Purchasing was being done by someone else who came to help him. Mr Altun accepted that he had been in the wrong as he was responsible as the licence holder, but it could be seen that he was making a determined and focused effort now to put things right.

c. The Chair further questioned whether this may be acting too late, given that Mr Altun had operated the licence for nine years. Mr Howarth was not sure what advice Mr Altun may have had in the past, but that after this hearing he would be told that he could not be running a business, especially a regulated business, in such a way, and he had to be clear about what his responsibilities were. However, the panel's decision-making was not meant to be punitive. The business had to operate with regard to the licensing objectives, but the response had to be proportionate.

d. Councillor Vince asked about the non duty paid goods found and whether Mr Altun had asked for receipts for the goods and whether receipts had been seen by officers. Mr Howarth conceded that Mr Altun had no details and was not given receipts for these products. His general impression of how Mr Altun ran the business was that he tended to get goods from a variety of wholesalers. His record keeping was arguably very poor at that time. In meeting new conditions he would be required to make improvements in receipt keeping and proving that all duty payable goods were coming from reputable suppliers. In response to further questioning about receipts, it was advised that Mr Altun did keep invoices now and that goods were purchased from reputable sources. Mr Altun had been able to show invoices and where goods were from on recent officer inspections.

e. Councillor Vince expressed concerns that this premises was near to a very large secondary school and that sales may be made to youngsters, given the history of non compliance with licence conditions. It was responded that Mr Altun had gone some way in recent times to make proper efforts that sales were correctly refused. A refusals book was kept up to date. 'Challenge 25' notices were up and facing the right way, and Mr Altun had called in all staff to receive training.

f. In response to Councillor Vince's further queries in relation to training, it was advised that Mr Altun now knew that he had to undertake staff training regularly and it had to be verifiable. Mark Galvayne noted that the conditions regarding training had been on the licence since 2012. Mr Howarth conceded that regular staff training should have been undertaken in the past, but that did not happen. But looking forward to the future it would be ensured that verifiable records were kept and all new workers would be trained. Officers were also invited to strengthen conditions as necessary. Mark Galvayne noted that Condition 6 set out how often training should be carried out and Condition 7 set out the records to be kept. These were conditions already on the licence.

g. The Chair raised that the operation of the licence was not the reason for this review, but rather the sale of counterfeit goods, and asked about the previous prosecution. The licence holder's representative responded that this was quite some time ago. Mr Altun was complying with the licence. There may be further steps to be taken in respect of verifying how he operated his business to the satisfaction of Trading Standards and the Police over an intense period so that everything was correct. He would submit that was an appropriate way forward.

h. The Chair asked about public health implications of sale of counterfeit goods. It was advised that Uygur Altun conceded on that, but these were specific incidents. What had been reported from Trading Standards and the Police did not amount to continuing issues, but were specific serious incidents of breaching the licence which warranted action, but could be made right by giving Mr Altun time.

i. The Chair drew attention to five occasions reported when the Premises Licence Holder was not on the premises during licensed hours, and that allowing purchases to be made by an unnamed person may also be considered irresponsible. It was advised that Mr Altun conceded this was so. He wanted to address the issue by transferring the licence to someone who was there all the time.

j. In response to the Chair's request for confirmation that Mr Altun would still be the Premises Licence Holder. Mr Howarth advised that he would need to take further instruction and clarification, but from the solicitors he understood that further concessions were to be made and that a valid application to vary the Designated Premises Supervisor had been submitted. He would say that revocation in the immediate aftermath of such a breach could be appropriate, but not in this situation where measures could be taken to put all matters in order. There had been recent compliance. The situation was not so chronic that only revocation was appropriate and in the public interest.

k. Charlotte Palmer asked if Uygur Altun could please confirm his home address, and when he moved to that address. This was confirmed as 29 Mayfield Road, Enfield, EN3 7LS and he had moved there two weeks ago.

l. Charlotte Palmer asked why a copy of the review application which had been sent to the Premises Licence Holder's address given on the licence (6 Martins Drive, Cheshunt) had been returned marked "addressee unknown" on 11 November 2014, and why no action had been taken when officers advised that the address on the Premises Licence needed to be changed. It was an offence not to advise the Licensing Authority of a change of address under the Licensing Act. It was responded that Mr Altun used a number of family addresses and that the Martins Drive address was still used. However, Mr Altun had experienced domestic problems which were the reasons for changing his address. He was not able to explain why members of his family sent his post back. Mr Altun had been at Mayfield Road for the last two weeks and was in the process of notifying everyone that this was his new address and that he would no longer be using the Cheshunt address. Mark Galvayne confirmed that no notification or appropriate fee for the change of address had been received by the Licensing Authority, and noted that Mr Altun had been represented over the last three months by Oakfield Solicitors.

m. Charlotte Palmer asked if Mr Altun could confirm that on 23 January 2015 officers advised that his address needed to be changed. Mr Howarth advised that Mr Altun had started living at the Mayfield Road address at about that time.

n. Charlotte Palmer asked about Mr Halil Bolat, advised as the potential new Designated Premises Supervisor, and his relationship to Mr Altun. It was advised that Mr Bolat was not a relative, but an employee and it was planned to install him as manager to run the entire business on Mr Altun's behalf. Mr Altun would remain the business owner.

- o. Charlotte Palmer raised the offer made to reduce licensed hours, but asked how that would solve the issues of concern of non duty paid goods at the premises. It was advised that reduced hours were not designed to address that issue, but to address concerns that the policing of the business was causing more problems than it should and its impact in the CIP area. The aim was to bring the operation's licensed hours into line with the zone. In respect of non duty paid goods, there had been specific incidents, but nothing since January. There was no evidence of an ongoing pattern of breaches. The origin of goods could be verified.
- p. Councillor Vince asked when a change of address should be notified. Mark Galvaye confirmed that "forthwith" was the requirement.
- q. In response to Councillor Vince's query why the Licensing Authority was not notified of the change of address straight away, it was advised that initially this had been an ad hoc arrangement for Mr Altun with a friend, around the 25 January 2015. He conceded that notification should have been made as soon as practicable, but his situation had to be considered in the context of his domestic problems and having to move all his belongings. Mark Galvayne advised that failing to notify a change of address as soon as reasonably practicable was an offence and subject to a £500 fine under Section 33 of the Licensing Act. He would consider 'reasonably practicable' as the next working day.
- r. In response to the Chair's question about relevance of licensed hours to the issues of concern, it was advised that the reduction in hours would address points in relation to the CIP and policing generally and would seem to be an appropriate step to take. There were other conditions on the licence that could be strengthened to address other issues.
- s. In response to the Chair's further queries about the suggestion that Halil Bolat be installed as manager and whether he was a current member of staff, it was advised that he was now working as an employee. He was not one of the named members of staff recorded as having received training on 23 January 2015. He had started working at the premises after that date. He would be trained.
13. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
- The Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraphs 4.6 to 4.8 of his report.
 - This was not the first instance of criminal activities. Over six years of trading there had been instances in 2009, 2012 and 2014.
 - The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
14. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- There was a pattern of illicit tobacco and alcohol at this premises, in 2009, 2012 and 2014.
 - The Premises Licence Holder had already been given a second chance and the licence strengthened so that it had included suitable conditions already for some time.
 - The licence holder had a history of breaching conditions.
 - The Licensing Authority considered that the appropriate action was revocation of the licence.
15. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's application for revocation of the Premises Licence.
16. The closing statement of Mr Philip Howarth, Barrister, on behalf of the licence holder, including the following points:
- There had to be regard to the overall objectives of the Licensing Act, including that businesses should continue to operate within the law.
 - All issues raised by Trading Standards and the Police could be met over a period of time, and a suspension of the licence should be considered so that proper rigorous systems could be put in place under a new manager.

RESOLVED that

- 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.

- The Chairman made the following statement:

"Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee (LSC) has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence of the Asya Wine Centre.

The LSC believes in particular that the offences as raised in terms of the sale of counterfeit and non-duty paid goods not just go against the prevention of crime and disorder, but – with respect to unlawful alcohol sales - runs the risk of compromising public safety. As such, the LSC was persuaded that the Licensing Authority has made its case in full.

Although we have heard that additional conditions and reduced hours have been offered by the Premises Licence Holder, and that he has begun to undertake relevant staff training in order to address the uncontested breaches of conditions identified, the LSC was not satisfied that this would be sufficient or appropriate. The panel believes existing conditions as agreed by the Minor Variation to the licence dating back to March 2012, arising from counterfeit alcohol again being found on the premises at that time, address all of the issues proposed by the Premises Licence Holder in making this offer.

The panel also heard that the Premises Licence Holder offered to reduce the hours during which alcohol may be sold as a mitigating and corrective factor, and to bring the premises in line with the cumulative impact policy as applies in this area. However, we were not persuaded by the arguments made in the submission on the basis that the sale of counterfeit and non-duty paid goods is not time sensitive. Furthermore, the full licence inspection which occurred at 19:40 on 23 January 2015, being more than two months after the review application was made, additionally revealed a series of non-conformity with current conditions. Initially on that day, and we heard further evidence regarding five other separate occasions, Mr Uygur Altun was not present on the premises when the officers arrived. This repeated breach of Condition 15 was a matter of specific concern.

The report from the subsequent visit made on 5 February 2015 appears to confirm remedial action had been taken to bring outstanding conditions of the licence into compliance. However, with regard to staff training, whilst we heard that there is nothing in law to direct when and where such training should be undertaken, the panel considered that the capacity to have properly prepared and delivered appropriate training to six members of staff during shop opening hours on the very same day and in such a short time frame in the aftermath of the previous inspection (19:40 on 23 January) lacked credibility.

The LSC has applied significant weight to both the Council's Licensing Policy and Home Office statutory guidance - especially sections 11.24, 11.26 and 11.27 - whereby the matter of selling counterfeit and non-duty paid goods should be taken seriously, even in the first instance.

In this case, the Premises Licence Holder has been discovered on four occasions – initially in 2009, from which a prosecution followed against Mr Altun for counterfeit alcohol on the premises where he was convicted following the seizure of 25 bottles of vodka containing excessive levels of methanol. Then on 30 March 2012, counterfeit alcohol was again found on the premises. Most recently, and twice in August 2014, first non-duty paid tobacco was found on the premises (15 August); and only a week later (22 August) non-duty paid alcohol was again found on the premises.

The LSC was concerned that the Premises Licence Holder had failed to act upon the advice given at the time of the first offence, subsequently in a guidance letter, dated March 2012, then specifically via the guidance letter sent on 28 May 2014, and information conveyed at in-store licensing inspections. The papers refer specifically to copies of the inspection report from 23 January 2015 being signed by and left with Mr Altun.

We heard that there was an absence of any receipts to validate that the goods constituting the offences as presented by the Licensing Authority were purchased from a reputable supplier. The failure and inability to produce such receipts to the inspectors at the time of visits in August, in the aftermath of those visits, or at any time in between subsequent visits and the hearing of the case today – and the explanations provided by the Premises Licence Holder – contributed to the decision taken by the LSC.

In addition, the LSC was advised by both the Principal Licensing Officer and the Premises Licence Holder that an application to vary the Designated Premises Supervisor had been made today. This process will play out in due course over the next two weeks. The LSC did not believe that this step carried sufficient weight to influence the decision arrived at.

The information we were given to consider was not persuasive, and relates to a decision only recently taken by the current Premises Licence Holder and Designated Premises Supervisor, whose judgement and decision-making has (through the review) been brought into question.

The LSC was minded to accept the case put by the Licensing Authority supported by the Metropolitan Police Service that they have no faith or confidence in the Premises Licence Holder to operate the licence in the present, or impact on its future. We heard strong evidence of repeated breaches of conditions in the past, not least the fact that Condition 15 had been breached on five occasions.

We did acknowledge that steps to bring the Licence into compliance with regard to identified entries in the refusals book and staff training had been taken, but only very recently.

However, the main focus of our attention was in the context of the principal issue that brought about the review, being the sale of counterfeit and non-duty paid goods – on several occasions.



As such, the evidence presented in support of this, in combination with the policy and Statutory Guidance being applied, has sufficiently informed the decision we have taken and which we believe to be appropriate and proportionate for the promotion of the licensing objectives.

The matters of breaching conditions were compounding factors which reinforced our decision. Though offers were made on hours and conditions, as set out above, we took the view that beyond being inappropriate, it was too little and too late.

The LSC views the fact that the Premises Licence Holder has held a licence for these premises for almost nine years as an aggravating factor."

3. The Licensing Sub-Committee resolved to revoke the licence.

Supporting documents:

- **Asya, item 405.**  PDF 2 MB (documents/s49989/Asya.pdf)
- **110215 LICENSING AUTHORITY ADDITIONAL INFORMATION 2, item 405.**  PDF 145 KB (documents/s50128/110215 LICENSING AUTHORITY ADDITIONAL INFORMATION 2.pdf)

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Charlotte Palmer

From: Karen.Staff@met.police.uk
Sent: 03 June 2019 15:54
To: Charlotte Palmer
Subject: 495 HERTFORD ROAD

Hi Ya

Have I shown you this? Is this Asya?

On 26/05/2019 called police via CAD 4259/26/MAY/2019 on being spoken to by police she has stated that she believed that counterfeit products Tobacco and alcohol were being sold from the shop at 495 HERTFORD ROAD EN35XH believed to be Asys Wine Centre.

The informant has purchased some alcohol which she states that label is was not straight looking like it had been stuck on by a child with no UK duty mark displayed on the bottle.

They had also purchased a tobacco pouch the contents of which had been covered in mould again with no UK duty mark displayed on the packaging.

The informant has continued to say that the shop owners have two vans parked outside the location where she believed that stock was kept as they are often seen coming from the vehicles.

The CRIS also says that the time stamp on the CCTV was incorrect.

Shall we visit?
 Shall we get HMRC to visit?
 Op Wagtail?



PC Karen Staff 2237NA
Licensing Officer
North Area BCU Partnership & Prevention
 Metropolitan Police Service
 North Area BCU (Enfield & Haringey)

☎ 02083453379

☎ 07887646262

🏠 Edmonton Police Station, 462 Fore Street, N9 0PW

🌐 www.met.police.uk ✉ Karen.Staff@met.police.uk

📱 Enfield 📱 Haringey

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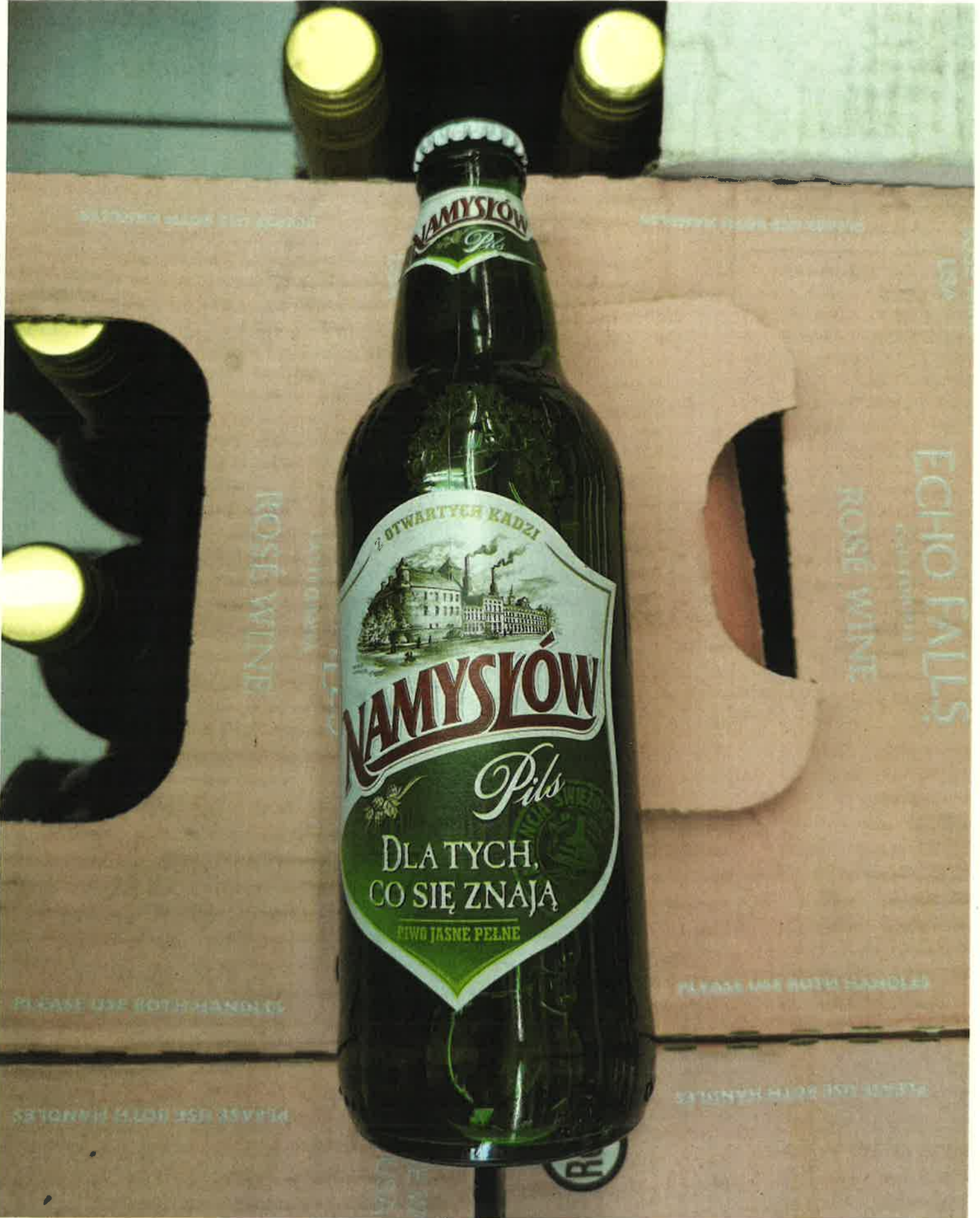


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25.03.19

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Cpx105







Mr Ali Tulu
Flat 3 Burren Court
Baxter Road
Edmonton
N18 2GE

Please reply to **Ellie Green**
 : **Licensing Unit**
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
 E-mail : **licensing@enfield.gov.uk**
 Phone : **020 8379 3578**
 Textphone : **020 8379 4419**
 Fax : **020 8379 2190**
 My Ref : **LN/201500460**
 Your Ref : **NOT PROVIDED**
 Date : **26th August 2015**

Dear Mr Ali Tulu

Licensing Act 2003

Premises : Asya Wine Centre, 495 Hertford Road, ENFIELD, EN3 5XH

This letter concerns the application for a New Application Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly :
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 068 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'EG', with a long horizontal line extending to the right.

Ellie Green
Principal Licensing Officer

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500460

Part 1 – Premises Details

Postal address of premises :

Premises name : Asya Wine Centre

Telephone number : Not provided

Address : 495 Hertford Road ENFIELD EN3 5XH

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 :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

(2) Supply of Alcohol - Off supplies	
Sunday :	10:00 - 00:00
Monday :	10:00 - 00:00
Tuesday :	10:00 - 00:00
Wednesday :	10:00 - 00:00
Thursday :	10:00 - 00:00
Friday :	10:00 - 00:00
Saturday :	10:00 - 00:00

Part 2

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

Name :	Mr Ali Riza Tulu
Telephone number :	Not provided
e-mail :	alituluali@gmail.com
Address :	Flat 3, Burren Court, 3 Baxter Road, LONDON, N18 2GE

Registered number of holder (where applicable) :

--

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 Ali Riza Tulu
Telephone number :	Not provided
e-mail :	alituluali@gmail.com
Address :	Flat 3, Burren Court, 3 Baxter Road, LONDON, N18 2GE

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/201500101
Issuing Authority :	London Borough of Enfield

Premises Licence LN/201500460 was first granted on 26 August 2015.

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

Date : 26th August 2015

Annex 1 - Mandatory Conditions

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Annex 2 - Conditions consistent with the Operating Schedule

- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 7. 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.**
- 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. Alcohol and cigarette stock shall only be purchased from registered wholesalers.**
- 10. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock.**
- 11. 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.

12. 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.

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

14. 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.

15. Prominent, clear and legible notices shall be displayed on all alcohol fridges and at all other alcohol display areas advising customers of the permitted sale of alcohol times.

16. Mr Uygur Altun (formally known as Kemal Altun) shall not be involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity.

17. 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.

18. 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

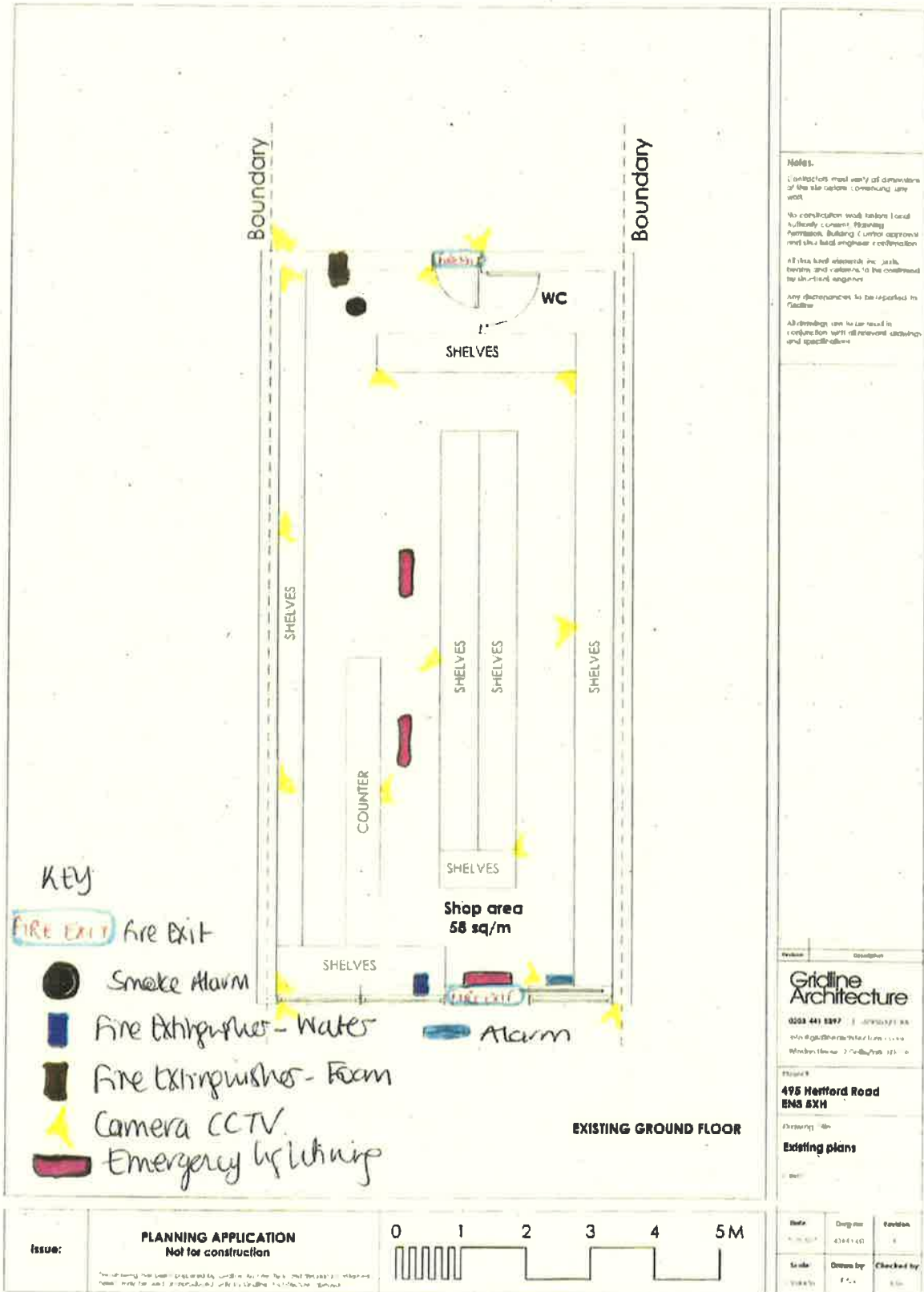
19. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme i.e. stickers.

20. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

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

Not applicable

Annex 4 – Plans



Notes.

Contractor must verify all dimensions of the site before commencing any work.

No construction work without local Authority Consent, Planning Permission, Building Control approval and structural engineer's certification.

All fixed electrical, gas, heating and ventilation to be certified by a qualified engineer.

Any discrepancies to be reported to the client.

All drawings are to be used in conjunction with all relevant contracts and specifications.

Revision: _____

Gridline Architecture

0203 441 8897 | 02030397188

info@gridlinearchitecture.com | www.gridlinearchitecture.com

Project #

495 Hertford Road
EN9 6XH

Prepared by: _____

Existing plans

Issue:

PLANNING APPLICATION
Not for construction

The information contained in this document is confidential and intended for the use of the client only. It is not to be distributed to other parties without the prior written consent of Gridline Architecture Limited.

Date	Origin	Revision
11/01/2024	4384140	1
11/01/2024	4384140	1

Licensing Act 2003**PART B – PREMISES LICENCE SUMMARY**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201500460**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Asya Wine Centre**
 Telephone number : **Not provided**
 Address : **495 Hertford Road ENFIELD EN3 5XH**

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 :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

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

Sunday :	10:00 - 00:00
Monday :	10:00 - 00:00
Tuesday :	10:00 - 00:00
Wednesday :	10:00 - 00:00
Thursday :	10:00 - 00:00
Friday :	10:00 - 00:00
Saturday :	10:00 - 00:00

Part 2

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

Name : Mr Ali Riza Tulu

Address : Flat 3, Burren Court, 3 Baxter Road, LONDON, N18 2GE

Registered number of holder (where applicable) :

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

Name : Not applicable

Address :

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

Mr Ali Riza Tulu

State whether access to the premises by children is restricted/prohibited :

Not Restricted

Premises Licence LN/201500460 was first granted on 26 August 2015.

Date : 26th August 2015

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



CPX107



CPX/08



Cpx/09



ABRA WHOLESALE LTD

LEADING WHOLESALER & EXPORTER

LANDMARK WHOLESALE

3 Picketts Lock Lane, Edmonton, London N9 0AS
 +44 (0) 20 8887 9300
 sales@abra-wholesale.co.uk
 www.abrawholesales.co.uk



LTD ORDER
 ORDER NO. DATE

Invoice To
POTTERS MART LTD
 75 DARILES LANE
 EN6 1BW

CASH & CARRY - SALES INVOICE
 Deliver To
POTTERS MART LTD
 75 DARILES LANE
 EN6 1BW

Page No: 1
 111848
 Invoice No: 24/06/19 19:22:06
 Date: 24/06/19
 Delivery Date:
 Reference:
 Customer No: 21732
 Order No: 702882
 Operator No: 82

DE
 Order No.
 Delivery Date
 Invoice Reference
 Order No.
 No.
 Order No.
 % VAT DEL QTY

CODE	DESCRIPTION	SIZE	PACK	UNIT PRICE	% VAT	DEL QTY	GOODS TOTAL	RRP	PCRM
SECURITY MESSAGE NEW SECURITY EXIT GATE ENTER CODE 1063 INTO PIN PAD									
430110	COCA ZERO PM £1.89 2 / £3.00	1,75LTR	6	6.19	20.00	1	6.19	1.89	34.4
617519	SCHWEPES TONIC WATER SLIMLINE	1LTR	6	6.99	20.00	1	6.99	1.89	26.0
471001	KA PM £1.79 FRUIT PUNCH	2LTR	6	6.79	20.00	1	6.79	1.79	24.1
932288	FANTA FRUIT TWIST PM £1.85 2/£2.89	2LTR	6	5.99	20.00	1	5.99	1.85	35.2
**TROLLEY COUNT: 4 25.96									
521010	EFES DRAFT	500ML	12	16.49	P 20.00	1	16.49	2.19	24.7
900113	DRAGON STOUT NRB	284ML	24	23.19	P 20.00	1	23.19	1.75	30.7
900260	MAGNUM TONIC WINE	20CL	24	47.99	P 20.00	1	47.99	3.49	31.2
801155	STELLA CANS PM 4 FOR £5.79	500ML	24	17.99	P 20.00	6	107.94	1.69	46.7
900898	SMIRNOFF RED	50CL	6	52.99	20.00	1	52.99	12.99	18.4
900637	WRAY AND NEPHEW OVER PROOF	70CL	6	114.99	P 20.00	1	114.99	31.49	26.9
608203	FOSTERS CAN 4PK PM £4.50	440ML	6	16.49	P 20.00	1	16.49	4.50	26.7
192106	SMIRNOFF ICE PM £4.99 (4X6)	275ML	6	19.99	20.00	1	19.99	4.99	19.8
**TROLLEY COUNT: 13 400.07									
**TROLLEY COUNT: 0 0.00									
458462	EMERGE ENERGY 49P	250ML	24	4.99	P 20.00	1	4.99	0.99	36.0
**TROLLEY COUNT: 1 4.99									

Total count: 18 / 0
 Terms: CASH ONLY

You were served by EDMONTON TILL 2
 Till No. 03

Vat Analysis

Vat Code	Rate	Goods	VAT Total
1	20.00 %	431.02	86.20

Goods Total: 431.02
 VAT Total: 86.20
 Gross Total: 517.22

S = Split
 P = Promotion
 * = Price override

THESE GOODS REMAIN THE PROPERTY OF ABRA WHOLESALE LTD UNTIL PAYMENT RECEIVED IN FULL
 ABRA WHOLESALE THANKS YOU FOR YOUR CUSTOM




PAID
 WITH THANKS

CASHIER:
 CHECK:
 CASHIER:

CPX 110.



ABRA WHOLESALE LTD

LEADING WHOLESALER & EXPORTER



LANDMARK WHOLESALE
SOUTHERN COMPASS

5 Potters Lane, London SE9 4AR
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www.abra-wholesale.co.uk

CASH & CARRY - SALES INVOICE

Invoice To
POTTERS MART LTD
75 DARILES LANE
EN6 1BW

Deliver To
POTTERS MART LTD
75 DARILES LANE
EN6 1BW

Invoice No. 114970
Date 04/07/19 18:28:05
Delivery Date 04/07/19
Reference QAN
Customer No. 21732
Order No. 802425
Operator No. 87

Page No: 1

CODE	DESCRIPTION	SIZE	PKGS	UNIT PRICE	QTY	NET TOTAL	WPP	POPP
SECURITY MESSAGE NEW SECURITY EXIT GATE ENTER CODE 1063 INTO PIN PAD								
901594C	CIROC MINIATURES	5CL	12	25.99	20.00	1	25.99	3.49 25.5
900640C	WRAY AND NEPHEW MINIATURES	5CL	12	23.99	20.00	1	23.99	2.89 16.9
900580C	JACK DANIELS MINIATURES	5CL	10	14.49	20.00	1	14.49	2.39 27.2
900558C	GLENS VODKA	35CL	6	28.99	20.00	1	28.99	7.49 22.5
900556C	BELLS WHISKY	10CL	6	14.79	20.00	1	14.79	3.69 19.5
900578C	JACK DANIELS WHISKEY	20CL	6	34.99	20.00	1	34.99	8.95 21.5
556580	JACK DANIELS PM£12.99	35CL	6	52.99	20.00	1	52.99	12.99 18.4
**TROLLEY COUNT: 7 196.23								
900905	SOUTHERN COMFORT	70CL	1	15.29	20.00	2 S	30.58	24.75 25.8
911040	PIMMS PM £11.99	70cl	1	8.95	20.00	1 S	8.95	11.99 10.4
900691	PIMMS	70CL	1	9.49	20.00	1 S	9.49	14.99 24.0
900756	CAMPARI	70CL	1	11.69	20.00	2 S	23.38	15.75 10.9
900671	DISARONNO AMARETTO	70CL	1	14.49	20.00	2 S	28.98	23.69 26.5
565001	PRINCE CONSORT WHISKEY	70CL	1	9.89	20.00	2 S	19.78	14.49 18.0
900586	JAMESON WHISKEY	70CL	1	15.69	20.00	2 S	31.38	23.49 19.8
787471	SIERRA TEQUILA SILVER PM £16.99	50CL	1	11.69	20.00	2 S	23.38	16.99 17.4
910056	JW RED LABEL	35CL	1	9.29	20.00	3 S	27.87	12.99 14.1
900587	JAMESON IRISH WHISKEY	35CL	1	8.09	20.00	2 S	16.18	11.99 19.0
900609	HENNESSY COGNAC	35CL	1	12.69	20.00	3 S	38.07	20.39 25.3
140150	JIM BEAM WHITE PM£9.99	35CL	1	6.79	20.00	3 S	20.37	9.99 18.4
900614	MARTELL COGNAC	20CL	1	6.89	20.00	3 S	20.67	9.99 17.2
910020	NEW AMSTERDAM VODKA	20CL	1	3.59	20.00	2 S	7.18	5.29 18.5
**TROLLEY COUNT: 0 30 306.28								
695297	STERLING ROLL YOUR OWN	30G	5	41.25	20.00	1	41.25	11.00 10.0
484740	AMBERLEAF POUCH	30G	5	52.19	20.00	1	52.19	14.00 10.5
650212	GOLD LEAF POUCHES	30G	5	41.99	20.00	1	41.99	11.00 8.3
081516	PALL MALL KS DOUBLE CAPSULE	20'S	10	70.39	20.00	1	70.39	8.90 5.0
695092	BENSON & HEDGES SILVER	20'S	10	84.65	20.00	1	84.65	10.85 6.3
55440	STERLING KS DUAL CAPSULE	20'S	10	75.65	20.00	2	151.30	9.70 6.4
695023	MARLBORO KS GOLD	20'S	10	85.99	20.00	1	85.99	11.05 6.6

S = Split
P = Promotion
* = Price override

THESE GOODS REMAIN THE PROPERTY OF ABRA WHOLESALE LTD UNTIL PAYMENT RECEIVED IN FULL
ABRA WHOLESALE THANKS YOU FOR YOUR CUSTOM

REF: WK/ 219010115

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Maxi Wine Centre	
Premises Address	495 Hertford Rd, EN3 5XH	
Time of Visit:	Start: 19.23	Finish: 19.53

During an inspection of your premises on 5 July 2019, the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? ? Yes ^{Don't know} No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
C.4+5	Training not carried out or recorded.
C.6	Think 25 poster displayed but staff not aware
C.7	Staff not aware of recording refusals refusal book not produced during visit.
C.11	No invoices produced at time of visit. Later produced for alcohol.
All Blunt wraps	that are flawed are illegal. Must only state colours.
C.14	No personal licence holder present. There must be one personal licence hold on site.
C.16	Mr Kemal Altun must not be involved with business, but officer's first told he is the boss.

Any other matter(s) that need addressing:
 *frican called 'boss' - Kemal. Svetlozar just change Svetlozar until name of boss to Ali R. Brip also working. Stated training given
 C.17 - no one could operate CCTV.
 C.18 - no incident book.

You are required to have the above matters attended to within 14 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: Charlotte Palmer	Print Name & Position: Ekran Svetlozar (staff) Atanasov
Email/Tel: 0208 379 3965 charlotte.palmer@enfield.gov.uk	Email/Tel:

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

-ager 7% ABV and behind paper on shelf - they must all be removed from shop. They must of be
 NB. Waszfelon lager
 ENFIELD Council
 Need to check







CPX 114



CPX/15

**Licensing Act 2003. Section 24
Premises Licence Summary**

Premises Licence No.

LIQ/365

Premises details

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

**Potters Mart
75 Darkes Lane**

Post town **Potters Bar**Post code **EN6 1BW**Telephone number **01707 643060**

Date of Commencement of licence

24 November 2005

Where the licence is time limited the dates

Start date : **N/A**

Expiry date :

Licensable activities authorised by the licence

M: Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

M: Supply of Alcohol**M: Supply of Alcohol****Monday to Saturday****06:00****23:00****Sunday****06:30****19:00**

The opening hours of the premises

Monday : **06:00 to 23:00**Tuesday : **06:00 to 23:00**Wednesday : **06:00 to 23:00**Thursday : **06:00 to 23:00**Friday : **06:00 to 23:00**Saturday : **06:00 to 23:00**Sunday : **06:30 to 19:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

OFF

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: **Dervis Altun**

Address:

[REDACTED]

[REDACTED]

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: **Dervis Altun**

Licence No: **[REDACTED]**

Issuing Authority: **Enfield London Borough Council**

State whether access to the premises by children is restricted or prohibited

Annex 1 – Mandatory Conditions

All supplies of alcohol

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Permitted price

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
 - (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.

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.

The following conditions apply where the licence or certificate authorises "on" or "on and off" sales

Irresponsible drinks promotions

1. The responsible person must 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:

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic drink measures

1. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 - Conditions consistent with the operating schedule.

All incidents must be recorded in an incident book, which must be kept on the premises and made available to the Police and Licensing Authority on request.

A CCTV system must be installed, maintained, and correctly operated and the tapes must be kept for 31 days.

Annex 3 - Conditions attached after hearing by the licensing authority.

1. Notices regarding under age drinking to be displayed on the premises;
2. Closed Circuit Television (CCTV) to be installed both inside and outside the premises;
and
3. The Manager of the premises to obtain a personal licence by 31 July 2006 to enable a personal licence holder to be on the premises at all times.

REF: WK/
219010115

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	MAXI WINE CENTRE	
Premises Address	495 HERTFORD RD.	
Time of Visit:	Start: 1450	Finish:

During an inspection of your premises on 15-8- 2019, 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
COND 445	Training for AYUN was due on 5/8/19 - not done New members of staff not trained

Key belonging to white van outside was found but staff refused to open vehicle for officers to check no further non duty paid goods were inside as packet of non duty cigarettes found by Key.

Any other matter(s) that need addressing:

Member of staff made phone call and send key belonged to different car but refused to show officers to put our mugs back. Became defensive and refused to answer any more questions.

You are required to have the above matters attended to within 14 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>Palmer</i>	Signature: <i>[Signature]</i>
Print Name: CHARLOTTE PALMER	Print Name & Position: Ayla Jones
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/>.

our suspicions are raised as the van belongs to Kemal AKUN who is not allowed to be associated with





28/10/2019 12:33

CX17

CPX/18

28/10/2019 12:34



CPX119

28/10/2019 12:39





28/10/2019 12:39



28/10/2019 12:39

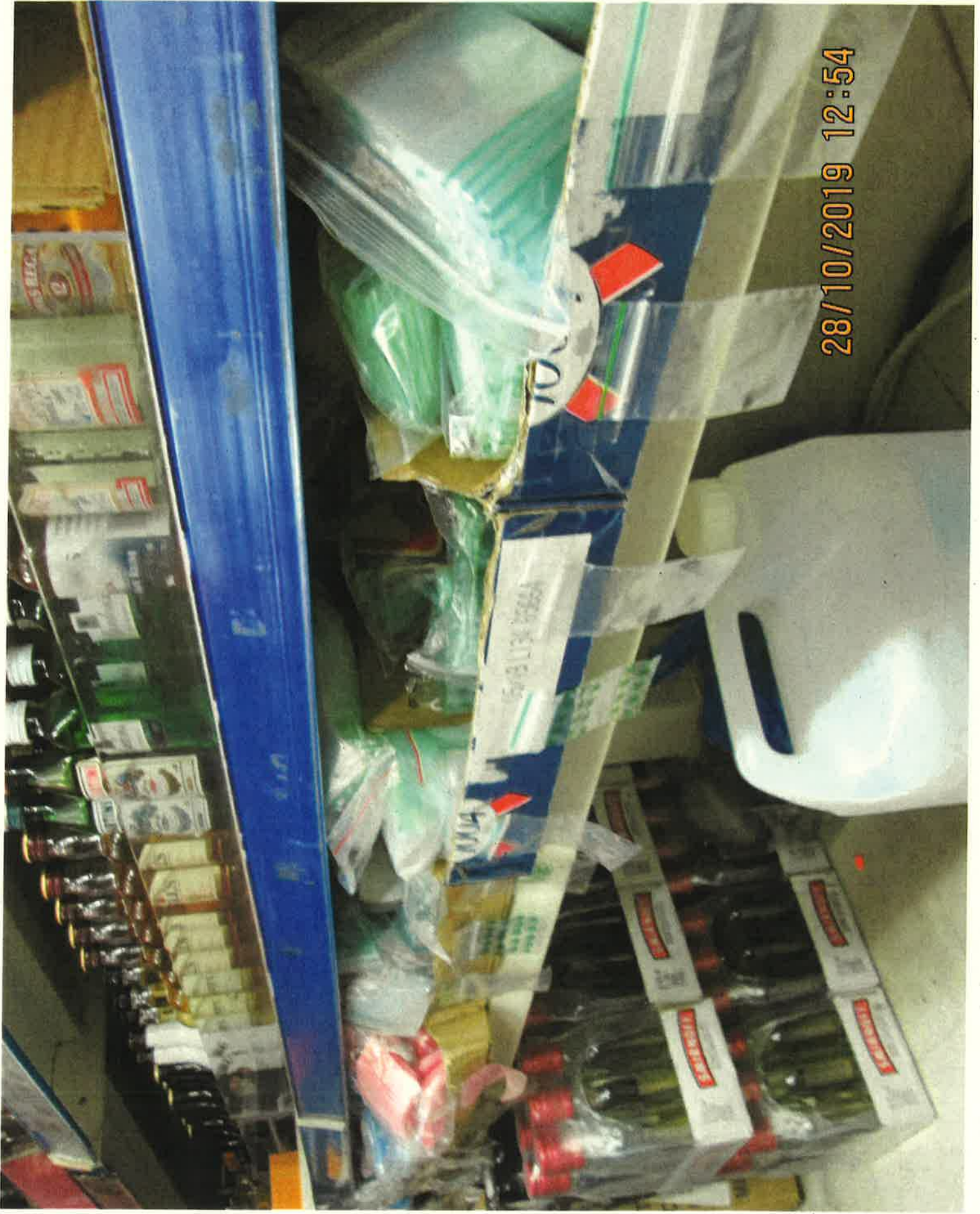
CPX122



28/10/2019 12:54



Cpx123



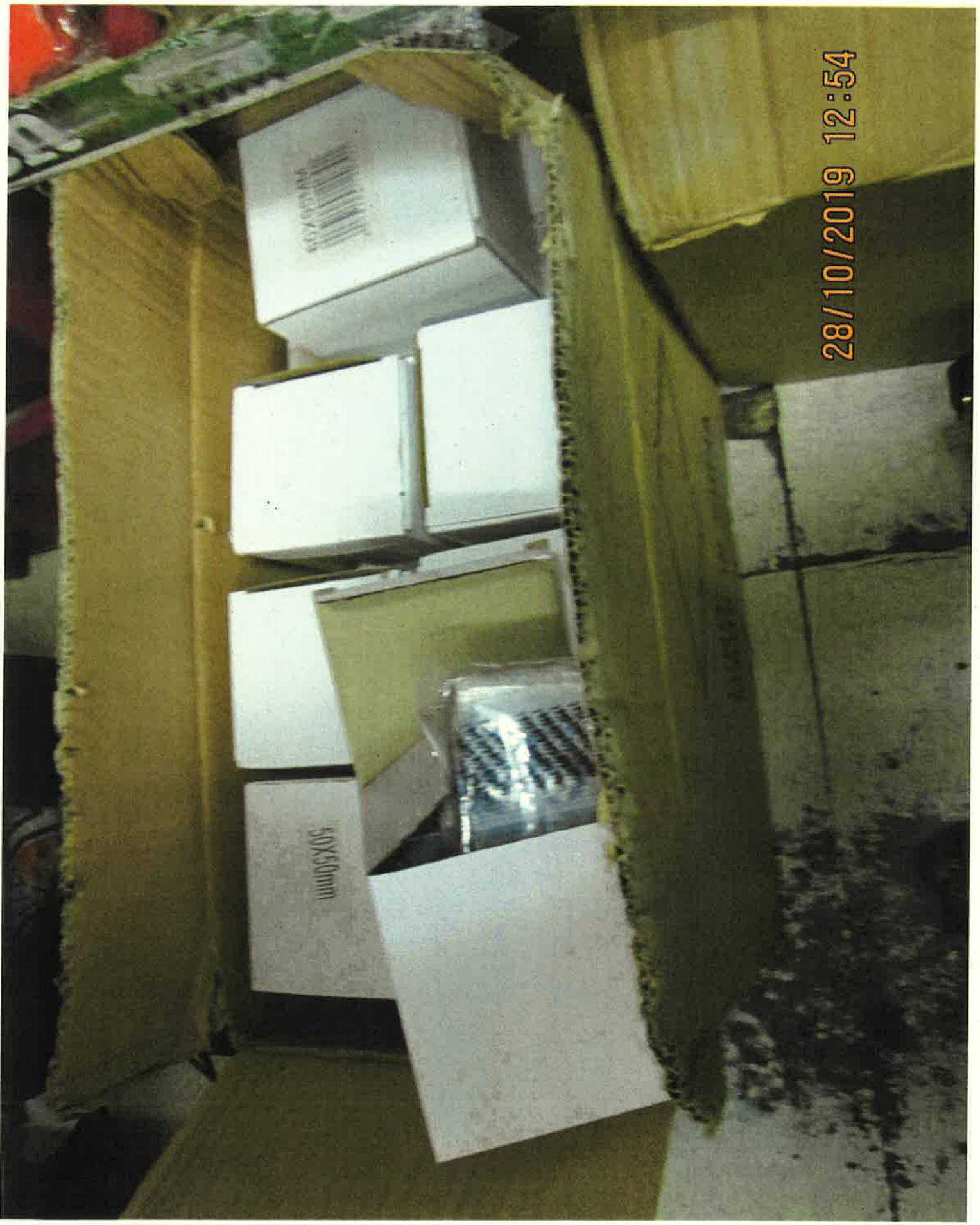
28/10/2019 12:54

CPX/24

28/10/2019 12:54



Cpx125



28/10/2019 12:54

Cpx126

50x50pound

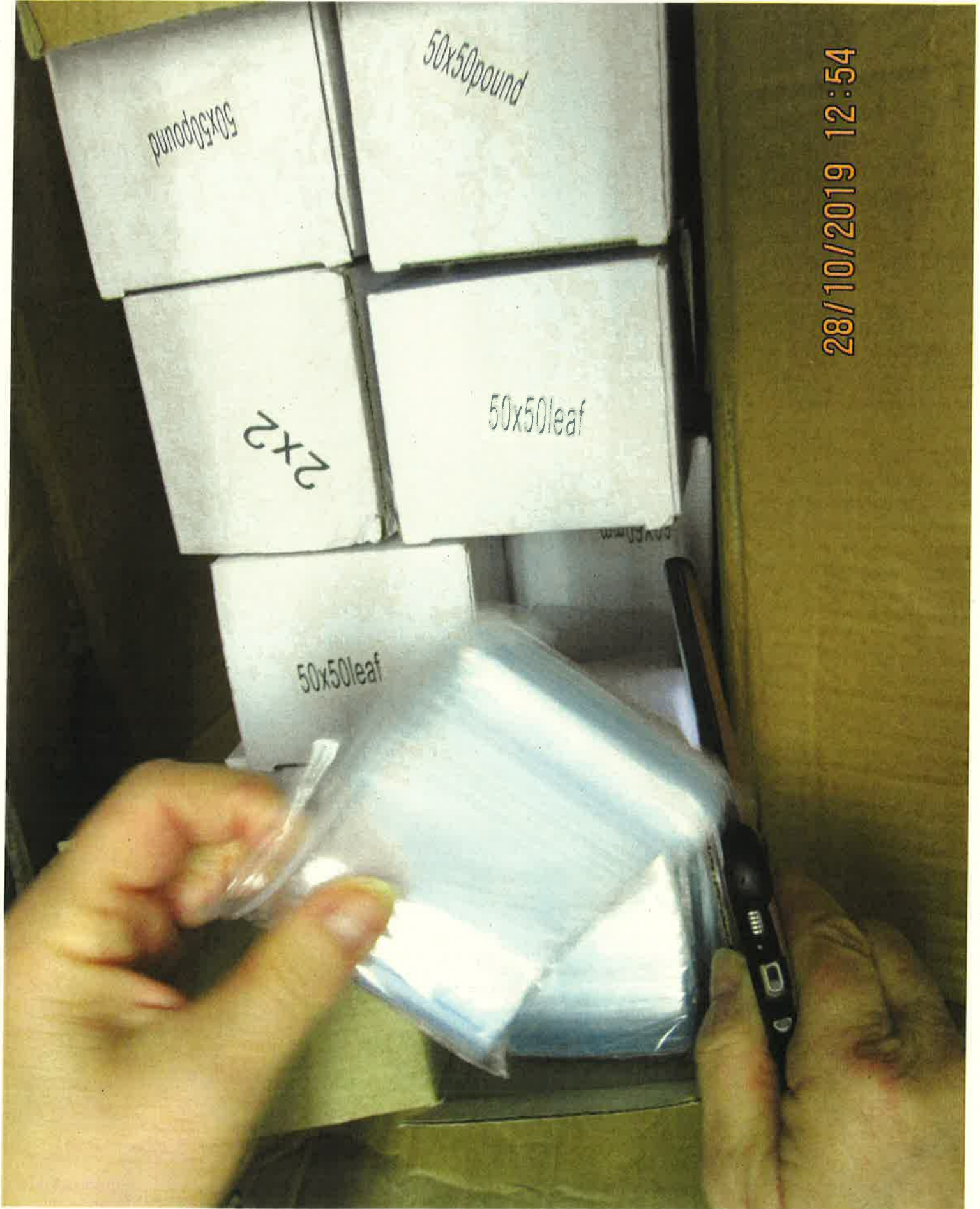
50x50pound

2x2

50x50leaf

50x50leaf

28/10/2019 12:54



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NOTICE OF SEIZURE



Name: Maxi Wine Centre
Address: 495 Hefford Rd EN3 5XH
Owner: MR Ali Riza Tulu

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XH

Appendix 4

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:

Tobacco Related Products Regulations 2016
Tobacco Products Standardised Packaging of Tobacco Products Regulations 2018

Schedule 5 Consumer Rights Act 2015

Seized illicit Cigarettes / Tobacco:
x 50 Marlboro Gold Cigarette (Packets)

x 24 (Packets) of PACT Cigarettes
x 14 (Packets) of Compliment Blue Cigs
x 10 Packets of Compliment Purple Cigs
x 12 Packets of Marvel Cigarettes
x 13 Packets of NZ Cigarettes
x 14 Packets of L+M Cigarettes
x 19 Packets of Minsk Super Slims Cigs
x 17 Packets of NZ Gold Cigarette
x 10 Packets of Rothmans Cigarettes

Sealed into: R00897184

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: Cherlotte Palmer Date: 28/10/19

Signature: [Signature] Direct Dial: 0208 379 3965

Received by: Eylem Kilit Position in Business: STAFF

NOTICE OF SEIZURE

No 1456



Name: Maxi Wine Centre

Address: 495 Herford Rd Enfield EN3 5XH

Owner: MR Ali Rza Tulu

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:

Tobacco Related Products Regulations 2016
Tobacco Products Standardised Packaging
of Tobacco Product Regulations 2015

114 consumer packs of Hifa Cigarettes
+ 20 packets of Marlboro Touch Cigarettes
+ 4 packets of Victory Gold Cigarettes
+ 3 packets of Golden Virginia Rolling
Tobacco (50g)
+ 2 packets of Amber leaf hand
Rolling tobacco
(50g)
Sealed into evidence bag no.
R00897184

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 PAUER

Date: 28/10/19

Signature: [Signature]

Direct Dial: 0208 379 3965

Received by: [Signature]

Position in Business: STAFF

L.B. ENFIELD TRADING STANDARDS INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers Police and Criminal Evidence Act 1984 Code of Practice

Address of Premises Maxi Wine Centre
 Type of Premises Retail 495 Hereford Rd Occupier Ali Tulu
EN3 5XH

POWER UNDER WHICH SEARCH MADE (TICK WHICH APPLIES)

WARRANT (Officers powers are summarised overleaf)
 under _____ Act _____ Date granted _____ By _____

STATUTORY POWER (These powers are summarised overleaf)
 Statutory powers under: Trade Description Act 1968 / Consumer Rights Act 2015

WRITTEN CONSENT (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)
 With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I HEREBY CONSENT TO OFFICERS OF THE L.B. ENFIELD TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES. I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

I HEREBY CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature [Signature] Name (Capitals) Evlenz Kiliç

Status relative to premises _____ Date 28/10/19 11:30am

Premises Searched Record

OFFICERS PRESENT AT SEARCH
 (Show Name & Organisation)

Charlotte Palmer	PC Karen Staff
Amanda Butler	Dog Hadler and Dog from Wagtail International

Entry Forced: YES / NO - If yes state reasons:

Damage - caused on entry or during search and circumstances:

Arrangements to Secure Premises:

Extent of Search:

Search Register No:

11:30 Charlotte spoke to Deniz Kiliç
 Business Partner
 of licence holder

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Mr Ali Riza Tulu
 Maxi Wine Centre
 495 Hertford Road
 London
 EN3 5XH

Please reply to: Heena Kanani

E-mail: Heena.kanani@enfield.gov.uk

Phone: 0203 132 0687/0208 379 8526

Textphone:

Fax:

My Ref: WK/AB/CPX/WG

Your Ref:

Date: 12 November 2019

Dear Mr Ali Riza Tulu

Maxi Wine Centre 495 Hertford Road

Police and Criminal Evidence Act (PACE) 1984

1. **The Tobacco Products (Traceability and Security Features) Regulations 2019**
2. **The Tobacco and Related Products Regulations 2016**
3. **The Standardised Packaging of Tobacco Products Regulations 2015**
4. **The Tobacco Advertising and Promotion (Display) (England) Regulations 2010**
5. **Children and Young Persons (Protection from Tobacco) Act 1991/ Children and Young Persons Act 1933**
6. **Paragraph 9 or Schedule 1, of the Consumer Protection from Unfair Trading Regulations 2008**
7. **Licensing Act 2003**


I write to you as the owner of Maxi Wine Centre, 495 Hertford Road, EN3 5XH.

On 28 October 2019 your premises was visited by Trading Standards & Licensing Enforcement Officers, along with a dog and dog handler. The 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 non-duty paid items were found and seized;

50 Marlboro Gold (20 sticks)
 24 x P3ct cigarettes (20 sticks)
 14 x Compliment Blue cigarettes (20 sticks)
 10 x Compliment Purple cigarettes (20 sticks)

Sarah Cary
Executive Director Place
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY

www.enfield.gov.uk

 If you need this document in another language or format contact the service using the details above.

12 x Marvel cigarettes (20 sticks)
13 x NZ cigarettes (20 sticks)
14 x L & M Cigarettes (20)
19 x Minsk cigarettes (20 sticks)
17 x NZ Gold cigarettes (20 sticks)
10 x Rothmans cigarettes (20 sticks)
14 x Lifa cigarettes (20 sticks)
20 x Marlboro Touch (20 sticks)
4 x Victory Gold (20 sticks)
221 x 20 = 4420 sticks
3 x Golden Virginia hand rolling tobacco (50g)
2 x Amber leaf hand rolling tobacco (50g)
250g

Knowingly keeping or allowing to be kept any goods which have been imported without payment of duty or which have otherwise been unlawfully imported is an offence; the cigarettes packets had foreign labelling and did not display the required health warnings, nor had the correct traceability/security and standardised packaging.

As a result, the Trading Standards is considering enforcement action. There may be breaches with respect to the tobacco notices/display, which the visiting officers will have noted separately; you should be prepared to answer any question regarding these matters also.

I invite you to attend a formal interview to be conducted in accordance with the Codes of Practice under The Police and Criminal Evidence Act 1984 in relation to these alleged offences.

The following date and time has been chosen to conduct the interview:

10 December 2019, 13:00

Venue: Interview Room 5, D Block, Civic Centre, Silver Street, Enfield

On arrival please report to Reception and inform them that you have an appointment with Amanda Butler.

As it is alleged that offences may have been committed I must caution you that, **“you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”**

The purpose of the interview is to ask you questions about the suspected offences and invite comments from you. The interview will be recorded.

The interview is voluntary, however, if you choose not to be interviewed it may result in legal proceedings being brought against you without you having had the opportunity to put your views on record.

You may seek legal advice prior to the interview and you are entitled to have a legal representative present with you at the interview. Please contact me to confirm attendance and to let me know whether you shall be bringing a legal representative with you to the interview.

Please let me know if you require an interpreter to be present, and if so which language.

Please bring a form of photographic identification with you to the interview along with your **national insurance number** as you will be asked for this information during the interview. If you have documents which you think are relevant to the case I recommend you also bring these with you.

If you have any queries about the contents of this letter or are unable to attend on this date please contact me via email: heena.kanani@enfield.gov.uk or 0203 132 0687.

Yours sincerely



Heena Kanani
Principal Trading Standards 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

Ms Eilem Kilic
Maxi Wine Centre
495 Hertford Road
London
EN3 5XH

Please reply to: Heena Kanani

E-mail: Heena.kanani@enfield.gov.uk

Phone: 0203 132 0687/0208 379 8526

Textphone:

Fax:

My Ref: WK/AB/CPX/WG

Your Ref:

Date: 12 November 2019

Dear Ms Eilem Kilic

Maxi Wine Centre 495 Hertford Road

Police and Criminal Evidence Act (PACE) 1984

- 1. The Tobacco Products (Traceability and Security Features) Regulations 2019**
- 2. The Tobacco and Related Products Regulations 2016**
- 3. The Standardised Packaging of Tobacco Products Regulations 2015**
- 4. The Tobacco Advertising and Promotion (Display) (England) Regulations 2010**
- 5. Children and Young Persons (Protection from Tobacco) Act 1991/ Children and Young Persons Act 1933**
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- 7. Licensing Act 2003**

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- 10 x Compliment Purple cigarettes (20 sticks)
- 12 x Marvel cigarettes (20 sticks)
- 13 x NZ cigarettes (20 sticks)

14 x L & M Cigarettes (20)
19 x Minsk cigarettes (20 sticks)
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3 x Golden Virginia hand rolling tobacco (50g)
2 x Amber leaf hand rolling tobacco (50g)
250g

Knowingly keeping or allowing to be kept any goods which have been imported without payment of duty or which have otherwise been unlawfully imported is an offence; the cigarettes packets had foreign labelling and did not display the required health warnings, nor had the correct traceability/security and standardised packaging.

As a result, the Trading Standards is considering enforcement action. There may be breaches with respect to the tobacco notices/display, which the visiting officers will have noted separately; you should be prepared to answer any question regarding these matters also.

I invite you to attend a formal interview to be conducted in accordance with the Codes of Practice under The Police and Criminal Evidence Act 1984 in relation to these alleged offences.

The following date and time has been chosen to conduct the interview:

10 December 2019, 15:00

Venue: Interview Room 5, D Block, Civic Centre, Silver Street, Enfield

On arrival please report to Reception and inform them that you have an appointment with Amanda Butler.

As it is alleged that offences may have been committed I must caution you that, **“you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”**

The purpose of the interview is to ask you questions about the suspected offences and invite comments from you. The interview will be recorded.

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legal proceedings being brought against you without you having had the opportunity to put your views on record.

You may seek legal advice prior to the interview and you are entitled to have a legal representative present with you at the interview. Please contact me to confirm attendance and to let me know whether you shall be bringing a legal representative with you to the interview.

Please let me know if you require an interpreter to be present, and if so which language.

Please bring a form of photographic identification with you to the interview along with your **national insurance number** as you will be asked for this information during the interview. If you have documents which you think are relevant to the case I recommend you also bring these with you.

If you have any queries about the contents of this letter or are unable to attend on this date please contact me via email: heena.kanani@enfield.gov.uk or 0203 132 0687.

Yours sincerely



Heena Kanani
Principal Trading Standards 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

Mr Ali Riza Tulu
Maxi Wine Centre
495 Hertford Road
London
EN3 5XH

Please reply to: Amanda Butler

E-mail: Amanda.Butler@enfield.gov.uk
Phone: 0203 132 1572
Textphone:
Fax:
My Ref: WK/AB/CPX/WG
Your Ref:
Date: 11 December 2019

Dear Mr Tulu

- **Maxi Wine Centre 495 Hertford Road**
- **Police and Criminal Evidence Act (PACE) 1984**
- **Tobacco and Related Products Regulations 2016**
- **Standardised Packaging of Tobacco Products Regulations 2015**
- **Licensing Act 2003**

Further to a letter dated 12th November 2019, from Enfield Trading Standards whereby you were invited to attend an interview under the provisions of the Police and Criminal Evidence Act 1984 (PACE) on Tuesday 10th December 2019 at 1pm, you did not attend.

I am writing to request that you telephone me on 0208 132 1572 or email Amanda.butler@enfield.gov.uk **within 7 days**, in order to arrange a mutual convenient date and time for you to attend the said PACE interview.

I have enclosed the letter dated 12th November 2019 which explains the reason for the PACE interview and your rights.

Please note, if you do not contact me within 7 days, the alleged offence(s) may be reported to our Legal Department without any further reference to you.

Yours sincerely



Amanda Butler
Senior Fair Trading Officer
Encl. Letter dated 12th November 2019

From: Amanda Butler

Sent: 18 December 2019 15:48

To: [REDACTED]

[REDACTED] Products Regulations 2015/Standardised Packaging of
Tobacco Products Regulations 2015/Licensing Act 2003

Dear Mr Ali Riza Tulu

Thank you for telephoning to reschedule a PACE interview to 15th January 2019 at 10.30am. I have enclosed a letter outlining the reason for the PACE interview and your rights. You have confirmed that you do not require an interpreter.

Kind Regards

Amanda Butler
Senior Fair Trading Officer
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3XY

Website: www.enfield.gov.uk

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"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

Mr Ali Riza Tulu
Maxi Wine Centre
495 Hertford Road
London
EN3 5XH

Please reply to: Amanda Butler
Trading Standards, Civic Centre, Silver
Street, Enfield, EN1 3XY
E-mail : amanda.butler@enfield.gov.uk
My Ref : WK/219031507
Your Ref :
Date : 18 December 2019

Dear Mr Ali Riza Tulu

Police and Criminal Evidence Act (PACE) 1984
The Tobacco and Related Products Regulations 2016
The Standardised Packaging of Tobacco Products Regulations 2015
Licensing Act 2003

I write to you as the owner of Maxi Wine Centre, 495 Hertford Road, EN3 5XH.

On 28 October 2019 your premises was visited by Trading Standards & Licensing Enforcement Officers, along with a dog and dog handler. The premises was inspected 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 non-duty paid items were found and seized;

50 Marlboro Gold (20 sticks)
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250g

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warnings, nor had the correct traceability/security and standardised packaging.

As a result, the Trading Standards is considering enforcement action. There may be breaches with respect to the tobacco notices/display, which the visiting officers will have noted separately; you should be prepared to answer any question regarding these matters also.

I invite you to attend a formal interview to be conducted in accordance with the Codes of Practice under The Police and Criminal Evidence Act 1984 in relation to these alleged offences.

The following date and time has been chosen to conduct the interview:

15 January 2020, 10:30 am
Venue: Interview Room 5, D Block, Civic Centre, Silver Street, Enfield

On arrival please report to Reception and inform them that you have an appointment with Amanda Butler -Senior Fair-Trading Officer.

As it is alleged that offences may have been committed I must caution you that, **“you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”**

The purpose of the interview is to ask you questions about the suspected offences and invite comments from you. The interview will be recorded.

The interview is voluntary, however, if you choose not to be interviewed it may result in legal proceedings being brought against you without you having had the opportunity to put your views on record.

You may seek legal advice prior to the interview and you are entitled to have a legal representative present with you at the interview. Please contact me to confirm attendance and to let me know whether you shall be bringing a legal representative with you to the interview.

Please let me know if you require an interpreter to be present, and if so which language.

Please bring a form of photographic identification with you to the interview along with your **national insurance number** as you will be asked for this information during the interview. If you have documents which you think are relevant to the case I recommend you also bring these with you.

If you have any queries about the contents of this letter or are unable to attend on this date please contact me via email: amanda.butler@enfield.gov.uk or 0203 132 1572.

Yours sincerely



Amanda Butler
Senior Fair Trading 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

[REDACTED]
Sent: 15 January 2020 10:51
To: Heena Kanani <Heena.Kanani@enfield.gov.uk>
Subject: RE APPOINTMENT TIME

Dear Sir/Madam
My name is Ali Riza Tulu i had an meeting today i do not know the time could you please get back to me thank you.

From: Heena Kanani <Heena.Kanani@enfield.gov.uk>
Sent: Wednesday, January 15, 2020 10:53:46 AM

[REDACTED]
Cc: Amanda Butler <Amanda.Butler@enfield.gov.uk>
Subject: RE: RE APPOINTMENT TIME [SEC=OFFICIAL]

Classification: OFFICIAL

Hello

The interview was at 10:30, we have the room until 2pm (you should arrive by 1pm at the latest), you were sent a letter confirming the appointment. Could you please advise what time you can get here?

Kind regards

Heena Kanani
Principal Trading Standards Officer
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3XY

From: ali tulu [REDACTED]
Sent: 15 January 2020 11:47
To: Heena Kanani <Heena.Kanani@enfield.gov.uk>
Subject: Re: RE APPOINTMENT TIME [SEC=OFFICIAL]

Hi,
Im so sorry i havent received the letter is it possible if i come at 1:30pm ?

From: Heena Kanani <Heena.Kanani@enfield.gov.uk>
Sent: 15 January 2020 11:54
To: ali tulu [REDACTED]
Cc: Amanda Butler <Amanda.Butler@enfield.gov.uk>
Subject: RE: RE APPOINTMENT TIME [SEC=OFFICIAL]

Classification: OFFICIAL

Good morning

No Mr Tulu, 30 minutes is not sufficient to conduct the interview. You may write in with any comments you wish to make. Please be advised you do not have to say anything, however if you do not mention something when questioned something which you later rely on in court. The court may draw inference as to why you did not mention this when questioned. Anything you do say may be given evidence. The question is: please provide an explanation as to why this occurred:

On 28 October 2019 your premises was visited by Trading Standards & Licensing Enforcement Officers, along with a dog and dog handler. The 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 non-duty paid items were found and seized;

50 Marlboro Gold (20 sticks)
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14 x Lifa cigarettes (20 sticks)
20 x Marlboro Touch (20 sticks)
4 x Victory Gold (20 sticks)
221 x 20 = 4420 sticks
3 x Golden Virginia hand rolling tobacco (50g)
2 x Amber leaf hand rolling tobacco (50g)
250g

Also could you please advise, if you did not get the letter how did you get my email address? Please also be advised it is not possible to re-schedule for tomorrow, the room and personnel are booked in advance.

Kind regards

Heena Kanani
Principal Trading Standards Officer
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3XY

Website: www.enfield.gov.uk

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POLICE REPRESENTATION

Name and address of premises: **Maxi Wine Centre
495 Hertford Road
Enfield
EN3 5XH**

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

The Application

Enfield Trading Standards Authority is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises i.e. non-duty paid cigarettes and hand rolling tobacco.

Location

This venue is situated within a parade of shops on a busy high street consisting of mainly commercial premises with residential properties above and a slip road running in front.

The Metropolitan wish to support the application and make representation under the Prevention of Crime and Disorder Licensing Objective.

History

This venue has a long history of being involved in criminal activity associated with either counterfeit or illicit goods since 2009.

Mr Kemal Altun, now known as Uygur Altun, used to be the Licence holder and was prosecuted for selling counterfeit alcohol. Non duty paid tobacco and alcohol were found subsequent to this, and despite a variation of the licence to strengthen the conditions, non duty paid goods were found again. In view of this Mr Altun had his premises licence revoked in 2015.

There were suspicions and concerns that Mr Altun may still be involved in the running of the business so a condition was put onto the licence that he should have no part in the running or control of the business when the current Premises Licence was granted. This was agreed by the current PLH, Mr Ali Tulu, who stated at the time that he did not know Mr Altun.

Due to several intelligence reports received by the Police saying that illicit goods were being sold at the venue, also, on occasion, mentioning Mr Altun, licensing visits were made during 2018 and 2019. Nothing was found on these occasions but Mr Altun's name was mentioned by staff when asked who the boss was. Obviously this concerned both myself and the Council Officer but Mr Tulu continued to refute the fact that Mr Altun was involved. One piece of information received stated that the stock was kept in two vans parked outside of the shop. These vans, a white and a silver one, were noted by Officers but the staff denied they had anything to do with the business. PNC checks on the vehicles showed both of them to be registered to Mr Altun even though he did not live anywhere near the venue. This led us to believe that he was still involved in the business. The Silver van was subsequently searched by Police but nothing of note was found. From then on the Silver van did not park outside the venue.

On one visit, made by the Police and the Council Licensing officer in August 19, the white van was parked outside the shop. Whilst conducting our visit an open packet of illegal cigarettes was found on the shelf behind the counter by the till along with a key that, in appearance, could have belonged to the white van. When asked if the key opened the van the staff member denied it but also refused to prove it to us by testing it. She became very defensive and made a phone call. We assumed this to be to Mr Tulu but after about 20 minutes an unknown male turned up, ignored us, went behind the counter, picked up the cigarettes and the key and started to walk out of the shop. I attempted to speak with him but he walked past me. I followed and as he got in the van by using the key that was behind the counter, I knocked on the window for him to speak with me but he refused to answer and drove away very quickly. Due to this action we believed there would have been illicit goods in the van. Since then the van has not been seen outside the shop.

On 28th Oct 2019 a visit was made to the venue by Trading Standards, Council Licensing, Police and sniffer dogs as part of Op Wagtail searching for illicit tobacco. During this visit a substantial amount of non duty paid tobacco was found in a specially made box behind the counter under the till. Also on sale in the venue was a considerable amount of drug paraphernalia including self seal bags and cannabis grinders.

The Police do not have confidence in the Licence holder Mr Tulu for the following reasons:-

- The storage and selling of illicit goods – contrary to Sec 144 of the Licensing Act 2003
- The numerous breaches of the conditions on the Premises Licence as explained in the review application.
- Storage and sale of drug paraphernalia – although not illegal, it encourages drug use, which is.

Mr Tulu shows clear disregard for the law and has been complacent in running this venue in breach of his licence. The onus is on Mr Tulu to promote the licensing objectives which he has clearly failed to do.

Police do not believe Mr Tulu to be a fit and proper person to hold a premises licence as he does not appear to appreciate the seriousness of his non -

compliance of the licence conditions. The council have given him the opportunity to explain himself in an interview and he has failed to appear.

The Police contend that there are no alternatives but to seek the revocation of the licence and reserve the right to submit additional information to support this review application if necessary.

Officer: Karen Staff PC2237NA Tel: 0208 345 3379

NAMailbox-.Licensing@met.police.uk

Date: 21st February 2020

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Annex 4

Proposed Conditions

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. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
4. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
5. 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.
6. 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.
7. Alcohol and cigarette stock shall only be purchased from registered wholesalers.
8. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock.
9. 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.

10. 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.

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

12. 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.

13. Prominent, clear and legible notices shall be displayed on all alcohol fridges and at all other alcohol display areas advising customers of the permitted sale of alcohol times.

14. Mr Uygur Altun (formally known as Kemal Altun) shall not be involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity.

15. 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.

16. 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

17. 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.

18. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

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

PROPOSED BY TRADING STANDARDS:

19. Non-duty paid tobacco or alcohol must not be stored or sold from the premises or from any vehicle.

20. There will be no drug related paraphernalia in the shop or being displayed for sale

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**MUNICIPAL YEAR 2019/20 REPORT
NO.244**

COMMITTEE :
Licensing Sub-Committee
11 March 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Sarge Off Licence – 240 Fore Street, Edmonton N18 2QD</p> <p>WARD : Edmonton Green</p>	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 A new premises licence (LN/201200255) was issued to **Mr Rajasingam Sundaramoorthy** on 15 June 2012 without objection.
- 1.2 The named Designated Premises Supervisor (DPS) has also been **Mr Rajasingam Sundaramoorthy**, since the licence was issued.
- 1.3 No previous review applications have been submitted.
- 1.4 **The current Premises Licence permits:**
- Hours the premises are open to the public:** From 06:00 to 23:00 daily.
- Supply of alcohol (off supplies only):** From 08:00 to 23:00 daily.
- 1.5 A copy of the current premises licence (LN/201200255) is attached in Annex 1.

2 THIS APPLICATION:

- 2.1 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201200255 and is produced in Annex 2, including the Additional Information.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found on the premises i.e. non-duty paid cigarettes.
- 2.3 **The review application is to revoke the premises licence in its entirety.**
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.

- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 To date, no written response to the review has been provided by Mr Rajasingam Sundaramoorthy.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were received in respect of this review application.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 Trading Standards have proposed modification to conditions should the Licensing Sub-Committee be minded not to revoke the premises licence, and these are produced in Annex 3. Mr Sundaramoorthy has not indicated any agreement to these conditions.
- 4.2 Trading Standards further request that if the Licensing Sub-Committee is minded not to revoke the licence that the licence be suspended until full compliance with the licence conditions has been demonstrated.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2017 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].

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

5.4.1 the Council's licensing policy statement; &

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

Review:

5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].

5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision :

5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

5.9.1 to modify the conditions of the licence;

5.9.2 to exclude a licensable activity from the scope of the licence;

5.9.3 to remove the designated premises supervisor

5.9.4 to suspend the licence for a period not exceeding three months;

5.9.5 to revoke the licence [Act s.52].

5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201200255

Part 1 – Premises Details

Postal address of premises :

Premises name : Sarge Off Licence

Telephone number : 020 3556 5709

Address : 240 Fore Street London N18 2QD

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 : 06:00 - 23:00
	Monday : 06:00 - 23:00
	Tuesday : 06:00 - 23:00
	Wednesday : 06:00 - 23:00
	Thursday : 06:00 - 23:00
	Friday : 06:00 - 23:00
	Saturday : 06:00 - 23:00

(2)	Supply of Alcohol - Off supplies
	Sunday : 08:00 - 23:00
	Monday : 08:00 - 23:00
	Tuesday : 08:00 - 23:00
	Wednesday : 08:00 - 23:00
	Thursday : 08:00 - 23:00
	Friday : 08:00 - 23:00
	Saturday : 08:00 - 23:00

Part 2

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

Name :	Mr Rajasingam Sundaramoorthy
Telephone number :	[REDACTED]
e-mail :	Not provided
Address :	[REDACTED]

Registered number of holder (where applicable) :

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 Rajasingam Sundaramoorthy
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 :	[REDACTED]
Issuing Authority :	London Borough of Enfield

Premises Licence LN/201200255 was first granted on 15 June 2012.

Signed : 

Date : 15th June 2012

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

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Annex 2 - Conditions consistent with the Operating Schedule

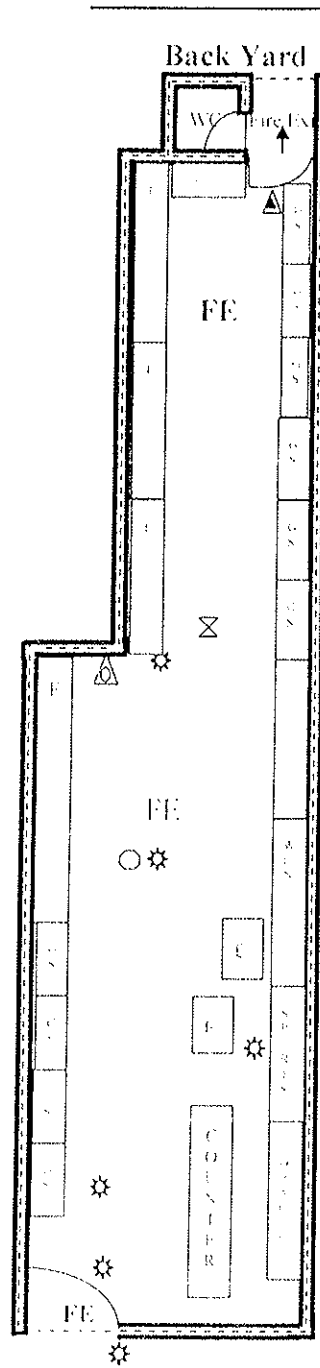
- 3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the 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.**
- 5. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 6. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images - colour during opening times; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police will have access to images at any reasonable time; (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.**
- 7. A monitored alarm system to EU 50131 must be installed at the premises.**

8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
9. At least two members of staff shall be on the shop floor at all times that the premises is open.
10. 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.
11. 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.
12. All training relating to the sale of alcohol and times and conditions of the 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.
13. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

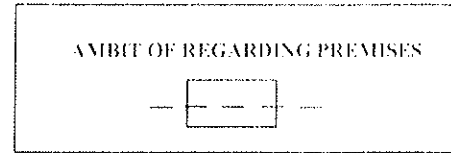
Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans

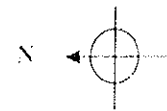


Proposed Plan



Scale	May 2012
1:100	
240 Fore Street Edmonton N18 2QW	

KEYS	
	CCTV
	H2O 9LT
	CO2 2KG
	FRIDGE
	EMERGENCY E
	FIRE EXPT SIGN
	CASH MACHINE
	GROCERY SHELV
	TOILETRY SHELV
	SMOKE ALARM



240 FORE STREET

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Annex 2

Application for the review of a premises licence or club premises certificate 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 **Ann Bowes Senior Fair Trading Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Sarge Off Licence – 240 Fore Street, Edmonton N18 2QD	
Post town	Post code (if known)
Enfield	N18 2QD
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Rajasingam Sundaramoorthy	
Number of premises licence or club premises certificate (if known)	
LN/201200255	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Ann Bowes
 Trading Standards
 London Borough of Enfield
 PO Box 57
 Civic Centre
 Silver Street
 EN1 3XH

Telephone number: 020 8132 0684

E-mail address: Ann.bowes@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review: (please read guidance note 1)

Enfield trading standards is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises ie. non-duty paid cigarettes.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background:

On **29/10/19** - Officers from Enfield Council's Trading Standards & Licensing Enforcement Team, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in the borough in a crackdown against the sale of illicit tobacco.

One of the premises visited was Sarge Off Licence 240 Fore Street, Edmonton N18 2QD

At the time of the visit there was one member of staff on the premises, a male. Mr Jesi PATHI

The premises was searched and a total of 260 packets of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

18 packets 50g each of hand rolling tobacco all of which were non – duty paid. The packets had foreign labelling and were non – duty paid.

Officers found the following cigarettes behind the shop counter:-

22 x B & H Cigarettes	20 cigarettes	440 sticks
2 x Marvel Cigarettes	20 cigarettes	40 sticks
10 x Victory Blue	20 cigarettes	200 sticks
78 x Victory Gold	20 cigarettes	1560 sticks

7 x Marlboro Touch 20 cigarettes	140 sticks
9 x Jin Ling 20 cigarettes	180 sticks
7 x Marlboro Blue 20 cigarettes	140 sticks
80 x Marlboro Gold 20 cigarettes	1600 sticks
14 x L & M 20 cigarettes	280 sticks
3 x Marvel 20 cigarettes	60 sticks
22 x Marlboro Gold 20 cigarettes	440 sticks
6 x Marlboro Touch 20 cigarettes	120 sticks

260 Packets in total

18 x Amber leaf 50g hand rolling tobacco 900g

31 single cigarettes

The documents issued on 29/10/19 are produced at **Appendix 1 & 2**, and the photos of the seized are produce at **Appendix 3**.

Other

Previous History

On the 3rd December 2019 covert test purchasing of illicit tobacco was conducted by Enfield Trading Standards department. An attempt to purchase such tobacco was made at Sarge Off Licence 240 Fore Street Edmonton. N18 2QD. The attempt to purchase such goods failed.

No other previous history on the trader. No variations on the licence have been made.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Although this is the first time that smuggled goods have been found at this premises and trading standards is of the opinion that given the large volume of cigarettes seized it is appropriate to recommend that this licence be revoked.

The cigarettes and rolling tobacco were found behind the counter. Despite the excessive quantity being seized and the numerous different brands seized the premises licence holder / designated premises supervisor claimed they were all for personal use. He informed us that his customers had given all the cigarettes to him as gifts and he cannot keep these at his home. If this is the case they should have been kept in a place that is not commercial licensed premises. Trading Standards has a lack of confidence in the explanation offered by those involved in running the business.

If the Licensing Committee is minded not to revoke the licence then trading standards ask that the licence be suspended until the following actions have been completed:

1. Full compliance with the licence conditions has been demonstrated.

Trading Standards would also recommend the following conditions be added to the licence:

- Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
- Alcohol and tobacco stock shall only be purchased from registered wholesalers.
- 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.
- 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.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Trading Standards reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance the Licensing Authority feels it is appropriate to seek total revocation of the premises licence.	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

If you have made representations before relating to these premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – 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: 22nd January 2020

Capacity: Senior Fair Trading Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Sarge Off Licence
240 Fore Street
London
N18 2QD

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the review application submitted on 22nd January 2020:

31/01/2020 – Out of Hours Licensing Enforcement Officers (EVG/CT) and carried out a full licence inspection. The following conditions were found to be non-compliant:

4 - The leave quietly sign needed to be moved so as to be at eye level

5 - No proof of age scheme poster was displayed

6 - Unable to access CCTV

9 - Only one person on premises, two required at all times.

10,11- No training carried out, no records

12 - No refusals book.

Also observed the tobacco display was not suitably covered up (just a bit of sheet but still left the shelving exposed).

Completed inspection report giving 14 days to rectify the non-compliances. **See Appendix 4.** Request was made to pass information on for a variation application. A copy of the report was left with the cashier. No evidence of illicit tobacco. Cashier stated there was not any.

03/02/2020 – Resources emailed to Premises Licence Holder to help with compliance.

06/02/2020 – Email from Premises Licence Holder advising conditions now compliant.

27/02/2020 – The Principal Licensing Officer (EVG) emailed the Premises Licence Holder advising them that it has been noticed that the annual fee for the period 15/06/2019 to 14/06/2020 had not yet been paid and is well overdue. The Premises Licence Holder was advised that they should pay the annual fee as soon as possible and that until payment was received the premises licence is suspended and alcohol must not be sold.

28/02/2020 – The Premises Licence Holder's agent submitted photos demonstrating compliance with condition 4, 5, 10, 11, 12 and improvements to the tobacco display. See **Appendix 5A-I.**

02/03/2020 – Proof of Annual Fee payment provided.

03/03/2020 - 14:23 - 14:42 - Senior Licensing Enforcement Officer (CPX) visited the premises to check outstanding licence conditions 6 and 9. There was only one member of staff at the premises - the Premises Licence Holder. This is a breach of C9.

Premises Licence Holder advised that his son had been there with him earlier but had left to get some lunch. He showed the officer CCTV footage on his mobile phone from 13:25 showing another male stacking shelves. Officer advised the condition states there must be two members of staff there at all times. Advised he could apply to have the condition removed from the licence but in the meantime must comply. Although CCTV could be seen on the mobile phone the footage only went back to 12th February instead of the required 31 days – breach of Condition 6. The Premises Licence Holder did not know how to check the footage via the screen in the shop. He advised 2 new cameras had been installed recently and that they seemed to be too big for the hard drive. Unable to check the time was correct on the monitor as font unclear. Inspection Report completed and copy signed by and given to Premises Licence Holder. **See Appendix 6.**

NOTICE OF SEIZURE

No 1466



Name: Rajasingham Sundaramoorthy

Address: Sargo Off-Licence
240 Fete St
N18 2QD

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XH

tradingstandards@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:

Tobacco + Related Products Regulations
2016, Standardised Packaging of
tobacco products Regs 2018

Consumer Rights Act 2015
Seized tobacco: - x22 Pkts BTH Cigs,
x7 ^{PKTS} Marlboro Touch Cigs, x10 Pkts Victory Blue
Cigs, x78 Pkts Victory Gold Cigs, x9 Pkts
Sm King Cigs, x7 Marlboro blue Cigs,
x2 Pkts Marvel Cigs, x18 Pkts Amber
leaf hand rolling Tobacco 50g, x80
Marlboro Gold, x14 Pkts L+M Cigs
sealed into R00189226 / T252908
(also sealed with 004327)
Open packets of Cigarettes:
x3 Marvel Cigs, x22 sticks Marlboro
Gold, x5 sticks Marlboro Touch
sealed into N06171777

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: Charlotte Palmer Date: 29/10/19
Signature: [Signature] Direct Dial: 0208 379 3965
Received by: P. Jesi Position in Business: Pat Hiem

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L.B. ENFIELD TRADING STANDARDS INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers Police and Criminal Evidence Act 1984 Code of Practice

Address of Premises Sarge Offlicen @ 240 FROST Occupier Jesi Patni
 Type of Premises Retail MR PUGASINGAM

POWER UNDER WHICH SEARCH MADE (TICK WHICH APPLIES)

WARRANT (Officers powers are summarised overleaf)
 under _____ Act _____ Date granted _____ By _____

STATUTORY POWER (These powers are summarised overleaf)
 Statutory powers under: Trade Description Act 1968 / Consumer Rights Act 2015

WRITTEN CONSENT (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)
 With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I HEREBY CONSENT TO OFFICERS OF THE L.B. ENFIELD TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES. I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

I HEREBY CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature P. Jesi Name (Capitals) Jesi Patni
 Status relative to premises part-time worker Date 29/10/19

Sundaramoorthy not on premises

Premises Searched Record

OFFICERS PRESENT AT SEARCH
 (Show Name & Organisation)

Charlotte Palmer PC Karen Staff

Amanda Butler Dog Hadler and Dog from Wagtail International

Entry Forced: YES / NO - If yes state reasons:

Damage - caused on entry or during search and circumstances:

Arrangements to Secure Premises:

Extent of Search:

Search Register No:

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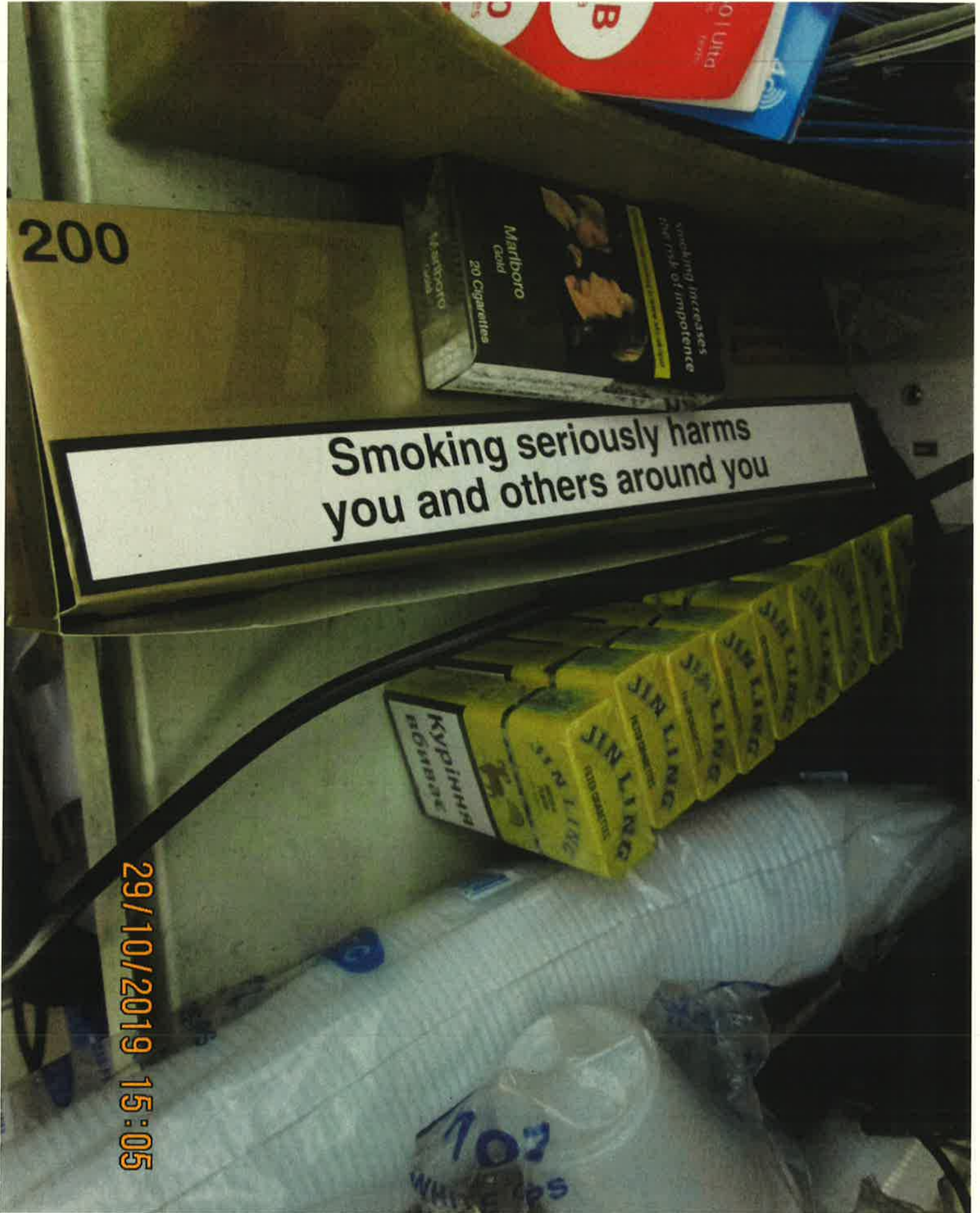
29/10/2019 15:05

CPR 10-9

0

9





Smoking seriously harms
you and others around you

29/10/2019 15:05

103

10

29/10/2019 15:05



7

29/10/2019 15:05





29/10/2019 15:05

6



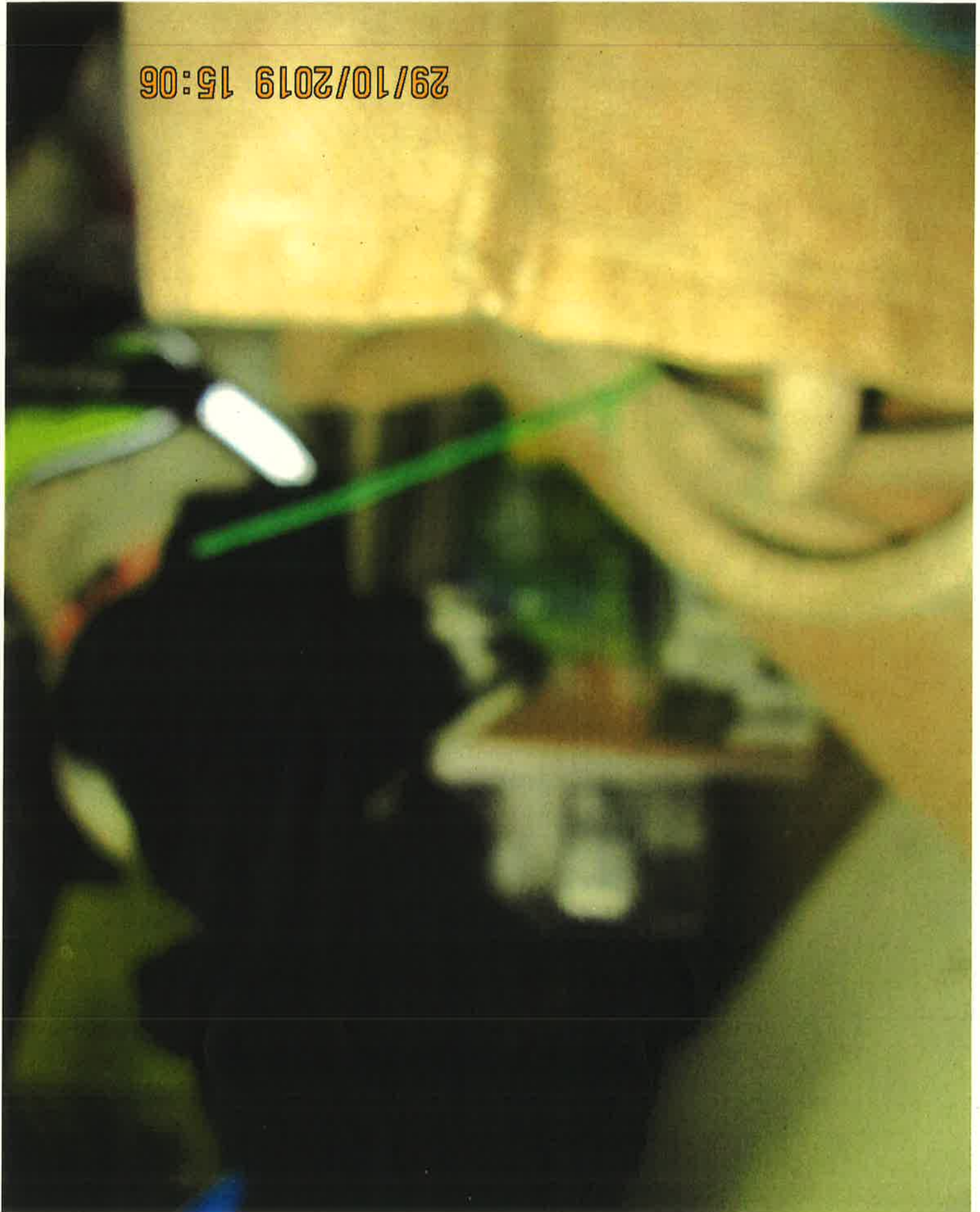
29/10/2019 15:05

4

29/10/2019 15:06



29/10/2019 15:06





3

29/10/2019 15:09



29/10/2019 15:09



W1



29/10/2019 15:09

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29/10/2019 15:10



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DEF AJC 4RC JEC
PC94701918

Marlboro
Gold

29/10/2019 15:22

d

Marlboro
Gold

OFF A3C 4RC JCC
PC94701918

29/10/2019 15:22



16



29/10/2019 15:26

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REF: WK/219038683.

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	SARCAE OFF LICENCE		
Premises Address	240 FORE STREET. LONDON N18 2GD		
Time of Visit:	Start: 20.30	Finish:	20.55


During an inspection of your premises on ... 31. 1. ... 20.20 ..., 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
4	Posters "Leave quietly" needs to be at eye level. Please relocate.
5	No proof of age scheme displayed
6	CCTV not able to access.
9	2 persons not on site, only one on site
10,11,12	No trainings, refusals book or trained staff.

ny other matter(s) that need addressing:
 Cover not sufficient for the tobacco storage area.
 Advise to look at website for a variation application.
 Officers to email posters as above.

ou are required to have the above matters attended to within 14 days of this notice. Failure to rectify the above eaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: Ellie Green Claire Tomaso.	Signature: 
	Print Name & Position: P. Seri Cashier
you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 208 132 2004 or charlotte.palmer@enfield.gov.uk	Email/Tel: _____

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







App.5a

LETTER FROM THE WORLD'S NO. 1 ROLLING PAPER

Refusals Book

Training Record Book

Date	Brief Description of Training Carried Out	Name of Staff	Signature of Staff Receiving Training	Name & Position of Person Providing Training	Date Refresher Training due
Example 21/04/09	Read Enfield Council guidance & undertook test	Ann Smith	xxxxxx	Joe Bloggs, DPS	21/07/09
04/2/20	what is the minimum age a customer has to buy cigarettes	Suregan		R. SUNDARAMOORTHY	4/2/20
5/2/20	what forms of ID are accepted as proof of age	Jesi		R. SUNDARAMOORTHY	5/2/20
7/2/20	what action you take if customer can not prove that they are old enough to purchase tobacco?	Jeevan		R. SUNDARAMOORTHY	7/2/20
8/2/20	Between what time can alcohol be sold from these premises	Covey		R. SUNDARAMOORTHY	8/2/20

App. 5c

Time of Refusal	Date of Refusal	Product asked for?	Reason for Refusal	Description of person	Any other relevant comments	Staff Signature	Supervisory Signature & Date monitored
10:30	21/04/09	10 pack of Silk Cut cigarettes	No ID	Male, short brown hair, looked approx 15.	Shouted about following refusal	XXXXXX	XXXXXXX 21/04/09
12:56 PM	6/02/12	No ask Cigarettes, B&W add	NO ID under age	Boy He looks like cigarette 16 years old	NO	Joy	Joy 6/2/12
11:35 AM	8/2/12	He asked for filler	NO ID under age	Boy white	NO	Joy	Joy 8/2/12
11:58	11/2/12	He asked The Puffin in	He is under age and he has no face	Boy white	NO	Js	Js 11/2/12
9:10 AM	26/2/12	He asked for Laffin Scratch card	NO ID He is under age	Boy Belgravia	NO	J	J 26/2

APP.5d

PLEASE NOTICE
INTERESTS OF OUR
OUR CUSTOMERS
ONLY ASKED TO
THE PREMISES
QUIETLY

FOOD HYGIENE RATING

4

**You Are in A
Public Space Protection Order Area**

Alcohol should not be taken off the premises
and consumed in the street or any other public place

Breaching a PSPO is a criminal offence which can
result in a Fixed Penalty Notice (FPN) of up to £100
or a fine of up to £1,000 if prosecuted

The Council and the Police enforce PSPOs.

ENFIELD
Council



Oyster here oyst

App. 5e

We price
at **RRP**
or below

NEW! Maximum Value
The advantage of our pricing
is that you can get the most value for your money.
Maximum Value is a program that allows you to
purchase our products at a special price.
Purchase
Maximum Value products
with a \$100 Limit
Total in Any Calendar Month



App. 5f



POLITE NOTICE
 IN THE INTERESTS OF OUR
 NEIGHBOURS, CUSTOMERS
 ARE KINDLY ASKED TO
 LEAVE THE PREMISES
 QUIETLY

GET FOR LIFE

WIN
£10,000
 EVERY MONTH
 FOR 30 YEARS

THE NATIONAL LOTTERY

THE NATIONAL LOTTERY



App. 59

What you should know

It is important to know what you should know about the risks of working in a high-risk environment. This includes understanding the risks of working in a high-risk environment, the risks of working in a high-risk environment, and the risks of working in a high-risk environment.

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What you should know about the risks of working in a high-risk environment

This document provides information on the risks of working in a high-risk environment. It is important to know what you should know about the risks of working in a high-risk environment. This includes understanding the risks of working in a high-risk environment, the risks of working in a high-risk environment, and the risks of working in a high-risk environment.

- Demerol Card
- Officers Card
- Police Card
- Police Card
- Police Card
- Police Card
- Police Card

For more information, please contact the relevant authority.

ISCSI

payzone

oyster

years

App. 5h



APP. 5i



URGENT - SURVEY

Issue Date: October 2017

Ref 734702

FIXTURE AGREEMENT

PLEASE

This Agreement is between Imperial Tobacco Limited and the Customer named below

Customer Unique Ref	666058	Country	UK
Customer's Name	Mr & Mrs [unclear]	Postcode	W11 2UD
Trading Name	SALES ON LEASE	Telephone No	[REDACTED]
Address of Premises	500 TOLLE ST EDMONTON	Mobile No	[REDACTED]
		Email Address	

Agreement Duration (minimum term of 3 years)

Start date:	7 12 2020	End of minimum term date:	7 12 2023
-------------	-----------	---------------------------	-----------

Fixture Details (w/)

New Existing New Owner Yes No

Fixture type: MULTI CONTACT Size (delete as appropriate) 1m / 1.5m / 2m

Additional Fixture: 1/2 bay built on / SCAT WALL

Reserved Space:

Tobacco Reserved Space	45%	(outlined on the ITL Shelf Reservation Plan below)
E-Vapour Reserved Space	50%	(outlined on the ITL Shelf Reservation Plan below)

ITL Shelf Reservation Plan:

	Tobacco			E-Vapour
1				
2				
3				17
4				17
5				17
6				17
7				17
8				17
9				
10				
	1m	1.5m	2m	

Summary of Key Terms:

- The Agreement shall be for a minimum term of 3 years from the date of signature (clause 10).
 - The Fixture is loaned to the Customer and remains the property of ITL (clause 1).
 - The Customer agrees to provide ITL's authorised representatives access to the Fixture (clause 4.1).
 - The Customer agrees to immediately notify ITL of any proposed sale or transfer of the Premises (clause 4.14).
 - The Customer agrees not to make any alterations, modifications, attachments or additions to the Fixture (clause 4.5).
 - The Customer agrees not to place any advertisements or materials on the Fixture without ITL's consent (clause 4.5).
 - The Customer agrees to comply with the Reserved Space as set out on the ITL Shelf Reservation Plan above (clause 5).
 - The Customer agrees to position any Key Tobacco SKUs and any Key E-Vapour SKUs (where applicable) within the Reserved Space (clause 5).
- Please note that the above is a summary of some of the Key Terms under the Fixture Agreement. Full Terms and Conditions are set out overleaf.

Signatures:

I AGREE THAT:

- THE AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS OVERLEAF.
- I HAVE AUTHORITY TO SIGN THIS AGREEMENT ON BEHALF OF THE CUSTOMER.
- OWNERSHIP OF THE FIXTURE AT ALL TIMES REMAINS WITH IMPERIAL TOBACCO LIMITED, AND
- I HAVE BEEN NOTIFIED BY ITL OF THE KEY TOBACCO SKUs AND THE KEY E-VAPOUR SKUs REFERRED TO IN CLAUSE 5.

Customer's Name	Mr & Mrs [unclear]	ITL's Reps Name	G. WILKINSON
Name and position of signatory	A. MANDOUR	RBU Rep No	316
Signature of/for Customer	[Signature]	Signature	[Signature]
Date	10 12 20	Date	7 12 20

REF: WK/ 219038683

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Sarge off licence	
Premises Address	240 fore st, edmonton, N18 2QD.	
Time of Visit:	Start: 14.23	Finish: 14.42.

During an inspection of your premises on Tues 3rd March 2020, 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
C9	Revisit to check condition 6 + 9 Only one member of staff at the premises during the visit. Advised must comply with conditions at all times. PAM showed CCTV showing another member of staff (his son) was on site at B-25. Need a system in place to ensure 2 at all times even over lunch periods.
C6	CCTV only goes back to 12th Feb. Must be stored for 31 days. New cameras installed (2) think its too much for the hard drive - needs addressing.

Any other matter(s) that need addressing: Unable to see time clearly ensure it is accurate.

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
Print Name of Officers in Attendance: <u>CHARLOTTE PALMER</u>	Signature: <u>[Signature]</u>
	Print Name & Position: <u>R. SUNDARAMOORTHY MANAGER</u>
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 0208 132 2004 or charlotte.palmer@enfield.gov.uk	Email/Tel:

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

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Annex 3

Proposed Conditions

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. 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.
3. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
4. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images - colour during opening times; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police will have access to images at any reasonable time; (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be

replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

5. A monitored alarm system to EU 50131 must be installed at the premises.
6. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
7. At least two members of staff shall be on the shop floor at all times that the premises is open.
8. 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.
9. 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.
10. All training relating to the sale of alcohol and times and conditions of the 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.
11. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

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

SOUGHT BY TRADING STANDARDS:

12. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
13. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
14. 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.

- 15. 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.**
- 16. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.**

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**MUNICIPAL YEAR 2019/20 REPORT
NO.245**

COMMITTEE :
Licensing Sub-Committee
18 March 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Carpathina Ltd 337 Bowes Road, N11 1BA</p> <p>WARD : Southgate Green</p>	

1 LICENSING HISTORY & CURRENT POSITION:

1.1 A new premises licence (LN/201700925) was issued to **Mr Iulian Frasinescu** on 8 March 2018 without objection.

1.2 The named Designated Premises Supervisor (DPS) has also been **Mr Iulian Frasinescu**, since the licence was issued.

1.3 No previous review applications have been submitted.

1.4 A minor variation application was submitted on 18 September 2018 at the request by Licensing Enforcement, following a seizure of illicit tobacco. The application was granted with modified conditions on 3 October 2018.

1.5 The current Premises Licence permits:

Hours the premises are open to the public: From 06:00 to 22:00 daily.

Supply of alcohol (off supplies only): From 11:00 to 22:00 daily.

1.15 A copy of the current premises licence (LN/201700925) is attached in Annex 1, Appendix 4.

2 THIS APPLICATION:

- 2.1 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201700925 and is produced in Annex 1, including Additional Information.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found a second time on the premises i.e. non-duty paid cigarettes.
- 2.3 **The review application is to revoke the premises licence in its entirety.**
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were received from the Responsible Authorities in respect of this review application.
- 3.2 Mr Iulian Frasinescu has responded to the review application, which is now produced in Annex 2.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 Trading Standards have stated that no further conditions could be added to the premises licence.
- 4.2 Trading Standards further request that if the Licensing Sub-Committee is minded not to revoke the licence that the licence be suspended until full compliance with the licence conditions has been demonstrated and a vary DPS application has been received who is competent to meet the conditions.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2017 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

- 5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 5.9.1 to modify the conditions of the licence;
 - 5.9.2 to exclude a licensable activity from the scope of the licence;
 - 5.9.3 to remove the designated premises supervisor
 - 5.9.4 to suspend the licence for a period not exceeding three months;
 - 5.9.5 to revoke the licence [Act s.52].
- 5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Annex 1

Application for the review of a premises licence or club premises certificate 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 Heena Kanani Principal Trading Standards Officer

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Carpathina Ltd 337 Bowes Road, N11 1BA	
Post town	Post code (if known)
Enfield	N11 1BA
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Iulian Frasinescu	
Number of premises licence or club premises certificate (if known)	
LN/201700925	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Heena Kanani Trading Standards London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8132 0687
E-mail address: heena.kanani@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review: (please read guidance note 1)

Enfield trading standards is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises ie. non-duty paid cigarettes.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background:

On **29/10/19** - Officers from Enfield Council's Trading Standards & Licensing Enforcement Team, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in the borough in a crackdown against the sale of illicit tobacco.

One of the premises visited was Carpathina Ltd 337 Bowes Road, N11 1BA. At the time of the visit there was one member of staff on the premises, a female. Ms Cocuta GAFITA

The premises was searched and a total of 203 packets of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

The following cigarettes above an industrial fridge freezer (with a small number behind the counter):-

- 8 x Parliament cigarettes (20 sticks)
- 7 x Pall Mall cigarettes (20 sticks)
- 7 x Sobranie Cigarettes (20)
- 77 x Dunhill cigarettes (20s)
- 52 x Marlboro Red Cigarettes (20s)
- 52 x Kent cigarettes (20s)
- 203 x 20 = 4060 sticks

The paperwork from 29/10/2019 can be viewed in Appendix 1 and 2 and the photos of the products can be viewed in Appendix 3.

Other

On **22/11/19**, Licensing officers carried out a licence inspection.

The following conditions were not in compliance:

Condition 4 – refresher training not carried out every 3 months (no training taken place in 2019).

Conditions 7 & 8 – refusals book available on site but not completed.

Condition 12 – no up to date invoices available at time of visit.

It was requested that these conditions brought into compliance within 7 days (ie. By **29/11/19**).

Further checks required.

An inspection report of these outstanding conditions was completed, signed by and a copy issued to Mr John Gherman loans, cashier. (Now known to be Ion GHERMAN)

The premises licence holder/DPS was not present at the time of the visit.

Previous History

07/08/18 :-

The premises was searched and a total of 387 packets (of 20 cigarettes) of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

64 x Marlboro Red

171 x Rothmans

115 x Kent

37 x Sobranie

The premises licence holder/DPS was not present at the time of any of the visits.

A minor variation was agreed and amended licence issued in 3 October 2018. LN2017000925 this can be found at **Appendix 4**.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

This is not the first time that smuggled goods have been found at this premises and trading standards is of the opinion that given the large volume of cigarettes seized it is appropriate to recommend that this licence be revoked.

The fact that the named Premises Licence Holder (who is also the DPS) is rarely at the premises, and undertakes minimal supervision relaying on 'trust' and given the licence breaches, trading standards has a lack of confidence in those running the business.

If the Licensing Committee is minded not to revoke the licence then trading standards ask that the licence be suspended until the following actions have been completed:

1. Full compliance with the licence conditions has been demonstrated.
2. The named DPS demonstrates a thorough understanding of the licence conditions and discusses with the licensing authority his intention to fully supervise and record compliance with the conditions or a Vary DPS application has been granted to a DPS who is capable of doing so.

Trading Standards make no recommendation regarding amendments to the licence conditions, these had already been varied in October 2018 and have been demonstrated as not being adhered to. They contain the most appropriate and up to date conditions consistent with the Operating Schedule.

Trading Standards reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
<p>A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance trading standards feels it is appropriate to seek total revocation of the premises licence.</p>	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

If you have made representations before relating to these premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – 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: 17 January 2020

Capacity: Principal Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Carpathina Ltd
337 Bowes Road
London
N11 1BA

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the review application submitted in January 2020:

31.012020 – Out of Hours Licensing Enforcement Officers (EVG/CT) visited the premises to carry out an inspection revisit. They met Mr Gherman loan, who was the same cashier who was working during their last visit. Conditions 4 – the training records were compliant. Condition 7 – a refusal book was available, although there were no entries in it. Mr loan stated that he had not needed to make any entries. Condiiton 12 - only one recent invoice seen for tobacco, no more on site. Requested that a copy of last month's invoices be sent to a named officer within the next 7 days. An inspection report was completed which Mr loan signed and was given a copy of to pass on to the Premises Licence Holder. **See Appendix 5.**

06.02.20202 - Invoices were emailed to the officer. **See Appendix 6a-d**

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NOTICE OF SEIZURE



Name: Mr Julian Trasinscy
Address: Carpathina Ltd
337 Baines Rd
N11 1BA

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XH

AB/2

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:

Standardised Packaging of tobacco
Products Regulations 2015
Consumer Rights Act 2015

Seized from behind counter:
x 8 ^{pkts} Parliament Cigarettes
x 7 ^{pkts} Fullmark Cigarettes
x 7 ^{pkts} Sobranie Cigs
x 2 ^{pkts} ¹⁰⁰ Dunhill Cigs
x 2 ^{pkts} ¹⁰⁰ Marlboro Red Cigs
x 2 ^{pkts} ¹⁰⁰ Kent Cigs
seized from store room above
top of fridge:-
x 50 ^{pkt} Dunhill Cigs
x 50 ^{pkt} Marlboro Cigs
x 30 ^{pkt} Kent Cigs
Sealed into R00856947 / 004328 ^{Seal No}

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: Charlotte Palmer Date: 29/10/19
Signature: [Signature] Direct Dial: 0208 379 3965
Received by: GATAC Position in Business: worker

L.B. ENFIELD TRADING STANDARDS INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers Police and Criminal Evidence Act 1984 Code of Practice

Address of Premises 33 + Bowes Rd N11 1BA *Owner not on premises*
 Type of Premises Retail Occupier GAFITA COCUTA *Julian Brasim*

POWER UNDER WHICH SEARCH MADE (TICK WHICH APPLIES)

- WARRANT** (Officers powers are summarised overleaf)
 under _____ Act _____ Date granted _____ By _____
- STATUTORY POWER** (These powers are summarised overleaf)
 Statutory powers under: Trade Description Act 1968 / Consumer Rights Act 2015
- WRITTEN CONSENT** (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)
 With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I HEREBY CONSENT TO OFFICERS OF THE L.B. ENFIELD TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES. I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

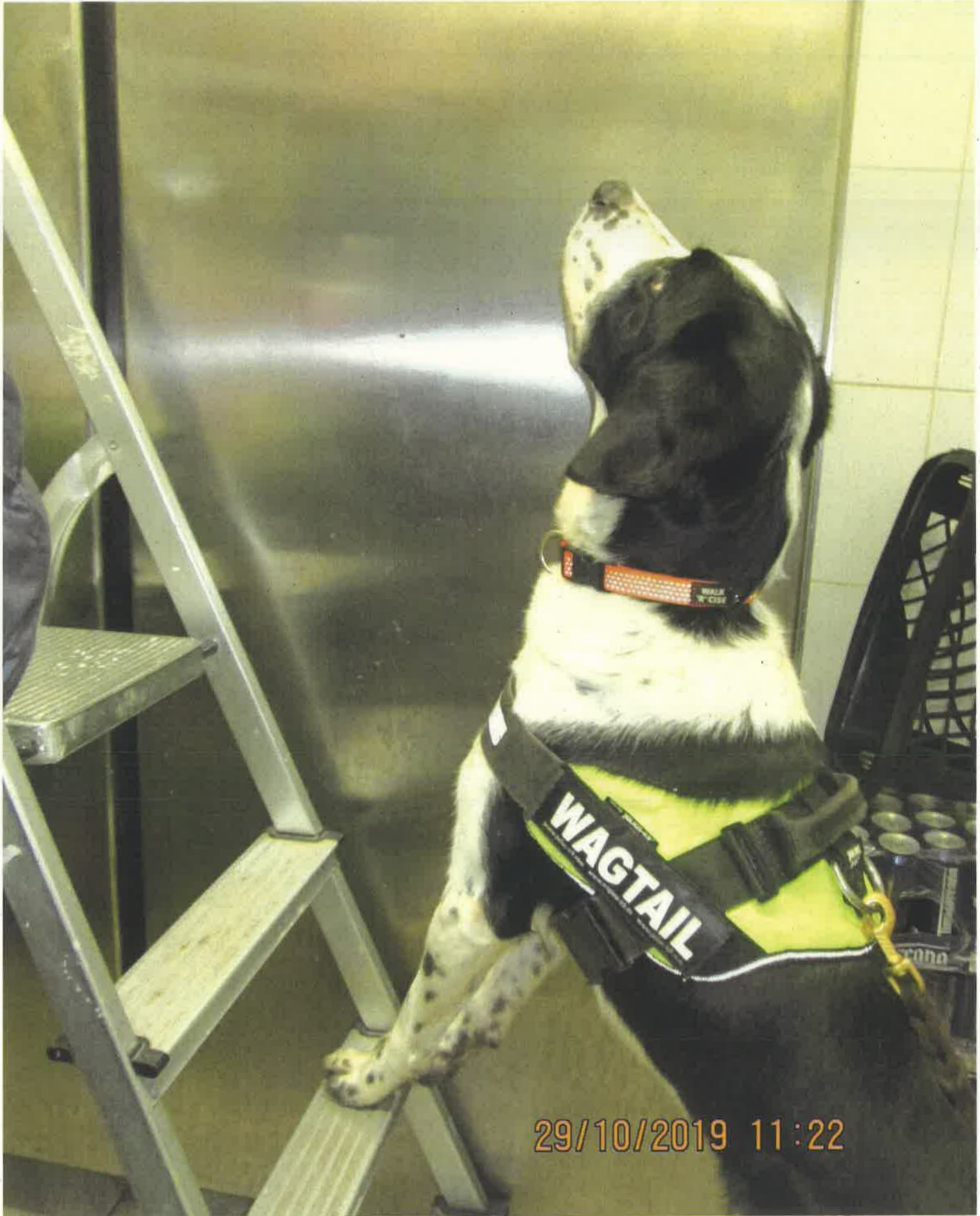
I HEREBY CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature GAFITA Name (Capitals) GAFITA COCUTA
 Status relative to premises Owner Date 29/10/19
not on premises *space ASST* *10⁰17 HRS*

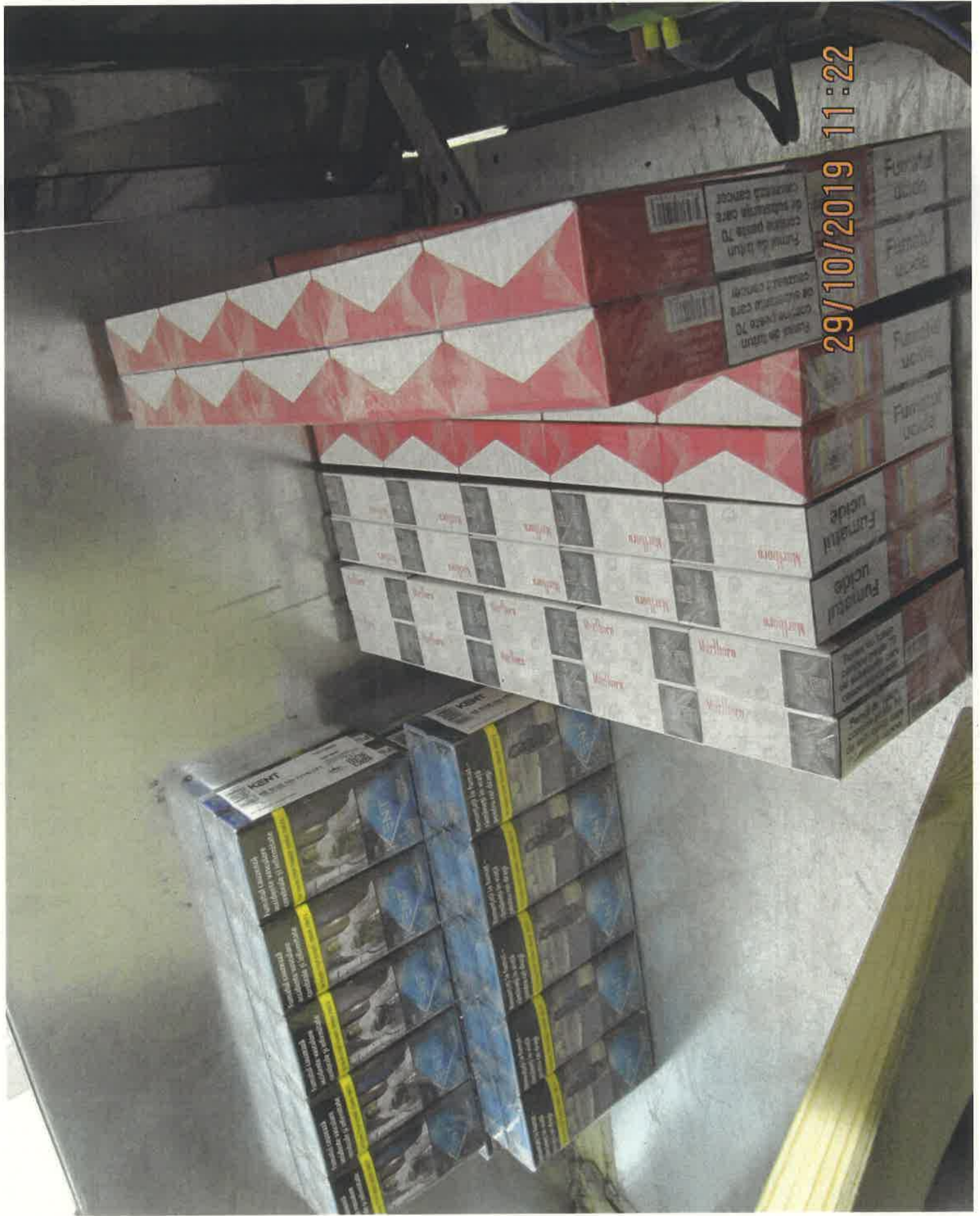
Premises Searched Record

OFFICERS PRESENT AT SEARCH
 (Show Name & Organisation)

Charlotte Palmer	PC Karen Staff
Amanda Butler	Dog Hadler and Dog from Wagtail International
Entry Forced: YES / NO – If yes state reasons:	
Damage – caused on entry or during search and circumstances:	
Arrangements to Secure Premises:	
Extent of Search:	
Search Register No:	



29/10/2019 11:22





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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Postal address of premises:

Premises name:

Telephone number:

Address:

Where the licence is time-limited, the dates:

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:

Operating Schedule Details

Location	Whole premises	
Activity	OPEN-Open to the Public	
Sunday		06:00-22:00
Monday		06:00-22:00
Tuesday		06:00-22:00
Wednesday		06:00-22:00
Thursday		06:00-22:00
Friday		06:00-22:00
Saturday		06:00-22:00
Non-Standard Timings & Seasonal Variations		

Location	Off supplies	
Activity	ALCS-Supply of Alcohol	
Sunday		11:00-22:00
Monday		11:00-22:00
Tuesday		11:00-22:00
Wednesday		11:00-22:00
Thursday		11:00-22:00
Friday		11:00-22:00

Saturday	11:00-22:00
Non-Standard Timings & Seasonal Variations	

Part 2

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

Name:	Mr Iulian Frasinescu
Telephone number:	[REDACTED]
e-mail:	[REDACTED]
Address:	[REDACTED]

Registered number of holder (where applicable):

[REDACTED]

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

Name:	[REDACTED]
Telephone number:	[REDACTED]
Address:	[REDACTED]

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

Name:	Mr Iulian Frasinescu
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:	[REDACTED]
Issuing Authority:	London Borough Of Enfield

Premises Licence LN/201700925 was first granted on 8 March 2018.

Signed: 

Date: 3 October 2018

**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. A digital CCTV system must be installed in the premises complying with the following criteria:**
 - (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.**
 - (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
 - (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
 - (4) Provide a linked record of the date, time, and place of any image.**
 - (5) Provide good quality images.**
 - (6) Operate under existing light levels within and outside the premises.**
 - (7) Have the recording device located in a secure area or locked cabinet.**
 - (8) Have a monitor to review images and recorded picture quality.**
 - (9) Be regularly maintained to ensure continuous quality of image capture and retention.**
 - (10) Have signage displayed in the customer area to advise that CCTV is in operation.**
 - (11) Digital images must be kept for 28 days.**
 - (12) Police or authorised local authority employees will have access to images at any reasonable time.**
 - (13) All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.**
 - (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**

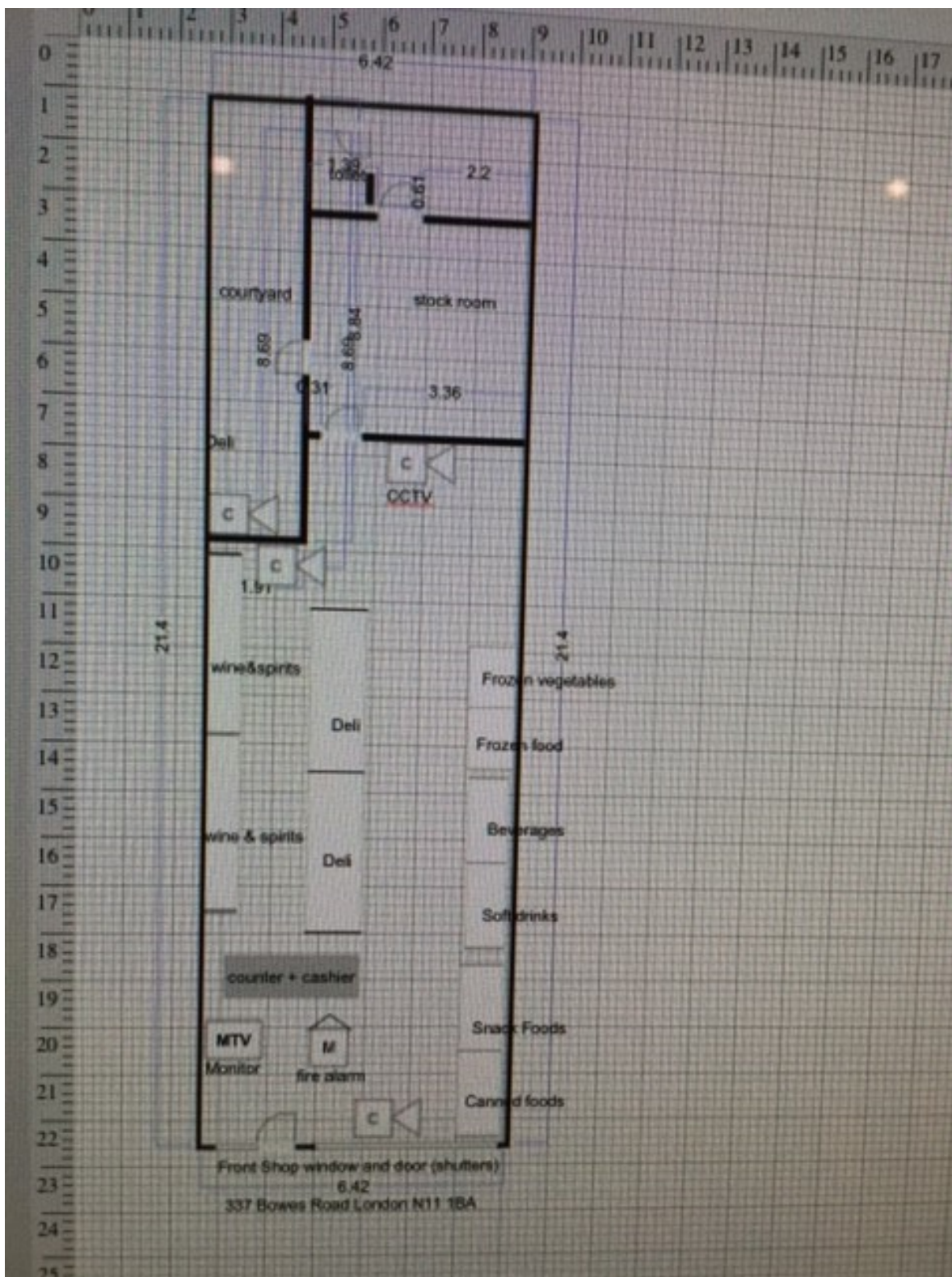
- 3. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**

- 4. All staff involved in the sale of alcohol 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.**
- 5. 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.**
- 6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 7. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.**
- 8. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.**
- 9. 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.**
- 10. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.**
- 11. Alcohol and tobacco stock shall only be purchased from registered wholesalers.**
- 12. 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.**
- 13. 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.**
- 14. 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

Annex 4 – Plans



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must 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
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol 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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) 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.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

(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.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above 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.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above 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.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	CARPATITINA LTD		
Premises Address	337 Bowes Road N11 1BA		
Time of Visit:	Start: 19:52	Finish: 20:00	

During an inspection of your premises on 31 2020, 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
4	Compliant - Training records
7	Available - Refusals book -
4	no entries
8	
12	Invoice dated 1/12/2020 -
	Send copy of last months
	receipts for tobacco - send to
	ann.bowes@enfield.gov.uk. Please
	action in next 7 days.

any other matter(s) that need addressing:

.....

.....

.....

.....

.....

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
Print Name of Officers in Attendance: Elise Green Clare Tompkins	Signature: <i>[Signature]</i>
	Print Name & Position: GHERMAN IOAN Cashier
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 208 132 2004 or charlotte.palmer@enfield.gov.uk	Email/Tel: [REDACTED]

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





Invoice

Invoice No.	153551247
Date / Time	12-10-2019 11:50:21
Total:	
Page	1 of 2

Sold by

Location: ENFIELD (Code 833)
 Bestway
 MERIDIAN WAY
 ENFIELD
 LONDON

Alcohol Reseller No: [REDACTED]
 Fisheries App.No.: FISHAPP9899
 VAT Number: 398619389

GEN MGR: NAUMAN MAHMOOD
 DEP MGR:
 BAM MGR:
 Telephone: 0208 887 9038
 Email: DL-ENFIELDMANAGERS@BESTWAY

Cashier: ENMUHAMMAN
 Scanner(s): ENMALIKI

Deliver to

[COLLECTED]

Invoice To

Customer no.: [REDACTED] (Type 2)
 ATHINA LIMITED
 [REDACTED]
 None
 VAT Number:
 Contact:
 Telephone:
 Email: [REDACTED]

Code	Barcode	Description	Pack	Qty	Unit Price (Ex VAT)	Line Value (Ex VAT)	VAT Code	SRP	POR
Merge Transaction: 153550194									
326200	5060077766578	MARLBORO TOUCH 20'S	1x10	2.99	£72.69	99.90	1	£9.20	5.18%
326200	5060077766578	MARLBORO TOUCH 20'S	1x10	7.99	£72.69	99.90	1	£9.20	5.18%
322869	5060077787094	MARLBORO KS GOLD 20'S	1x10	11.99	£86.13	119.90	1	£11.05	6.46%
328868	5060077787094	MARLBORO KS GOLD 20'S	1x10	11.99	£86.13	119.90	1	£11.05	6.46%
627064	5000143914948	B+H SK BLUE TT 20'S	1x10	9.99	£67.89	81.90	1	£8.70	6.36%
315727	5000143914948	B+H KS BLUE 20'S	1x10	9.49	£67.89	81.90	1	£8.70	6.36%
315727	5000143914948	B+H KS BLUE 20'S	1x10	9.49	£67.89	81.90	1	£8.70	6.36%
627164	5000143934656	B+H KS SKY BLUE TT 20'S	1x10	9.49	£67.89	81.90	1	£8.70	6.36%
325132	5000393083463	ROTHMANS SK BLUE 20'S	1x10	7.49	£67.49	74.90	1	£8.70	6.91%
331867	5060077785257	CHESTERFIELD KS RED 20'S	1x10	9.49	£68.32	90.90	1	£8.65	8.00%
627497	5000143920758	STERLING KS DUAL TT 20'S	1x10	10.49	£76.18	109.90	1	£9.70	5.74%
325210	5000393083166	ROTHMANS SK GREEN 20'S	1x10	9.49	£68.79	90.90	1	£8.70	5.11%
299892	5000393082985	PALL MALL SK GREEN CAP 20'S	1x10	9.49	£69.09	90.90	1	£8.70	4.70%
303106	5000393083241	ROTHMANS XL KS BLUE 24'S	1x8	10.99	£84.53	84.92	1	£10.20	5.10%
628038	5000143918359	B+H GOLD TT 20'S	1x10	12.49	£91.49	124.90	1	£11.85	7.35%
325121	5000393082459	PALL MALL FINE CUT 30G	1x8	11.99	£49.30	114.90	1	£11.00	10.36%
293505	5000393083340	DUNHILL KS CONSULATE 20'S	1x10	12.99	£97.80	129.90	1	£12.35	4.97%
315295	5000143951158	AMBER LEAF 30G	1x5	14.99	£52.49	74.90	1	£14.00	10.01%
315295	5000143951158	AMBER LEAF 30G	1x5	14.99	£52.49	74.90	1	£14.00	10.01%
Trolley Count 1: 19 Singles									
385114	5410133832921	RIZLA SILVER REG	1x100	1	£18.93	100	1	£0.39	41.74%
509944	5000226012699	SWAN FILTERS EXTRA SLIM 120TIPS	1x20	1	£7.77	20	1	£1.01	53.86%
Trolley Count 2: 2 Singles									
665672	5010314092207	FAMOUS GROUSE 5CL	1x12	1	£14.49	29.88	1	£1.89	23.32%
593069	5099873901601	MINI JACK DANIELS 5CL	1x10	1	£15.19	37.60	1	£2.49	26.80%
Trolley Count 3: 5 Singles									
421758	5017726194550	COCA COLA 65P 330ML	1x24	1	£9.45	0.00	1	£0.55	100.00%
Trolley Count 4: 1 Single									
Subtotal					27	£1,447.13			

2,148.40

There are no outstanding security dockets

The Company will remain the sole and absolute owner of the invoiced goods until payment in full is received. Until then the Customer may not resell any of the goods and the Company shall be entitled to re-take possession. All goods are sold subject to Bestway Wholesale "Terms & Conditions of Sale" which are displayed at customer reception.

Appendix 6b



Invoice

Invoice No.	162566239
Date / Time	21-01-2020 15:58
Total:	
Page	2 of 2

Department	Items	Ex VAT	VAT	Inc VAT
CONFECTION	2	£9.78	£1.96	£11.74
GROCERY	1	£0.00	£0.00	£0.00
TOBACCO	20	£1,278.84	£255.80	£1,534.64
Totals	23	£1,288.62	£257.76	£1,546.38

Promotion	Awarded	Value (Ex VAT)
47859 SPEND £1200 TOB.G1 SOFT DRINK	1	-£9.45
		-£9.45

Code	Rate	Items	Ex VAT	VAT	Inc VAT
1	20.00%	23	£1,288.62	£257.76	£1,546.38
Totals		23	£1,288.62	£257.76	£1,546.38

Pack 1	23
Total	23

(no weighed items in transaction)

Value (Ex VAT)	£1,288.62
Discount	£9.45
Total value (Ex VAT)	£1,288.62
VAT	£257.76
Total due (Inc VAT)	£1,546.38
Cash	£1,590.00
Change Given:	£43.62

ID	Cases	Singles	Ex VAT
1	0	17	£1,195.92
2	0	1	£67.89
3	0	1	£0.00
4	0	4	£24.81
Totals	0	23	£1,288.62

Promotions	£9.45
Total	£9.45



Powered by ab-initio from Coftech Software Group



There are no outstanding security docketts

The Company will retain the sole and absolute owner of the invoiced goods until payment in full is received. Until then the Customer may not resell any of the goods and the Company shall be entitled to retake possession. All goods are sold subject to Bestway Wholesale "Terms & Conditions of Sale" which are displayed at customer reception.



Invoice

Invoice No.	162566239
Date / Time	21-01-2020 13:44:57
Total:	
Page	1 of 2

Location: ENFIELD (Code 833)
 Bestway
 MERIDIAN WAY
 ENFIELD
 LONDON

Sold by

Alcohol Reseller No.: XCAW00000101635
 Fisheries App. No.: FISHAPP9999
 VAT Number: 388619389
 GEN MGR: NAUMAN MAHMOOD
 DEP MGR:
 BAM MGR:
 Telephone: 0208 887 9036
 Email: DL-ENFIELDMANAGERS@BESTWAY
 Cashier: ENALIW
 Scanner(s): ENALIAS

Deliver to

[COLLECTED]

Invoice To

Customer no.: [REDACTED] (Type 2)
 CARPATHINA LIMITED
 [REDACTED]
 VAT Number:
 Contact:
 Telephone:
 Email: [REDACTED]

Code	Barcode	Description	Pack	Qty	Unit Price (Ex VAT)	Line Value (Ex VAT)	VAT Code	SRP	POR
Merge Transaction: 162565910									
628373	5000143952155	AMER SPIRIT YEL RYO TT 30G	1x5	1	£56.50	£56.50	1 77.45	£15.00	9.60%
628295	5000143958041	AMBER LEAF TT 30G	1x5	1	£52.49	£52.49	1 74.95	£14.00	10.01%
628295	5000143958041	AMBER LEAF TT 30G	1x5	1	£52.49	£52.49	1 74.95	£14.00	10.01%
626155	5000435012192	GOLD LEAF JPS TT 30G	1x5	1	£41.39	£41.39	1 67.45	£11.00	9.69%
626300	5000435012093	GOLDEN VIRGINIA TT 30G	1x5	1	£55.79	£55.79	1 74.95	£14.50	7.66%
310030	5000393082909	PALL MALL KS BLUE CAP 20'S	1x10	1	£69.09	£69.09	1 84.90	£8.70	4.70%
627407	5000143920758	STERLING KS DUAL TT 20'S	1x10	1	£75.75	£75.75	1 104.99	£9.70	6.29%
338511	5000143930948	SILK CUT PURPLE 20'S	1x10	1	£91.49	£91.49	1 118.90	£11.85	7.35%
627064	5000143939750	B+H SK BLUE TT 20'S	1x10	1	£67.89	£67.89	1 94.90	£8.70	6.36%
299692	5000393082985	PALL MALL SK GREEN CAP 20'S	1x10	1	£69.09	£69.09	1 94.90	£8.70	4.70%
626944	5000393364739	VOGUE ORIGINAL GREEN TT 20'S	1x10	1	£95.65	£95.65	1 124.90	£12.10	5.14%
303105	5000393083241	ROTHMANS XL KS BLUE 24'S	1x8	1	£64.53	£64.53	1 84.92	£10.20	5.10%
628784	5060592002702	MARLBORO KS GOLD TT 20'S	1x10	1	£86.13	£86.13	1 114.90	£11.05	6.46%
628784	5060592002702	MARLBORO KS GOLD TT 20'S	1x10	1	£86.13	£86.13	1 114.90	£11.05	6.46%
628740	5060592002641	MARLBORO TOUCH TT 20'S	1x10	1	£72.69	£72.69	1 94.90	£9.20	5.18%
628740	5060592002641	MARLBORO TOUCH TT 20'S	1x10	1	£72.69	£72.69	1 94.90	£9.20	5.18%
628795	5060592002825	MARLBORO KS RED TT 20'S	1x10	1	£86.13	£86.13	1 114.90	£11.05	6.46%
Trolley Count 1: 17 Singles									
627175	5000143917758	B+H SK BLUE DUAL TT 20'S	1x10	1	£67.89	£67.89	1 94.90	£8.70	6.36%
Trolley Count 2: 1 Single									
421798	5017726194550	COCA COLA 65P 250ML	1x24	1	£9.45	£0.00*	1	£0.65	100.00%
Trolley Count 3: 1 Single									
185112	4009900469583	HUBBA BUBBA STRAWBERRY 7G	1x20	1	£4.89	£4.89	1 10	£0.43	31.74%
184016	4009900451854	HUBBA BUBBA ATOMIC APPLE 7G	1x20	1	£4.89	£4.89	1 10	£0.43	31.74%
509944	5000226012899	SWAN FILTERS EXTRA SLIM 120TIPS	1x20	1	£7.77	£7.77	1 20	£1.01	53.86%
249384	5000226000966	SWAN FILTER SLIM POP 120TIPS	1x20	1	£7.26	£7.26	1 20	£0.90	51.61%
Trolley Count 4: 4 Singles									
Subtotal			23		£1,288.62				

1792,47

There are no outstanding security dockets

The Company will remain the sole and absolute owner of the invoiced goods until payment in full is received. Until then the Customer may not resell any of the goods and the Company shall be entitled to retake possession. All goods are sold subject to Bestway Wholesale "Terms & Conditions of Sale" which are displayed at customer reception.

Appendix 6 cl.



Invoice

Invoice No.	153551247
Date / Time	12-10-2019
Total:	
Page	2 of 2

Departmental Summary				
Department	Items	Ex VAT	VAT	Inc VAT
TOBACCO	21	£1,071.88	£274.41	£1,346.29
WINES & SP	5	£75.25	£15.05	£90.30
GROCERY	1	£0.00	£0.00	£0.00
Totals	27	£1,447.13	£289.46	£1,736.59

Promotions included		
Promotion	Awarded	Value (Ex VAT)
47859 SPEND £1200 TOB G1 SOFT DRINK	1	£9.45
		-£9.45

VAT Summary				
Code	Rate	Items	Ex VAT	Inc VAT
1	20.0%	27	£1,447.13	£1,736.59
Totals		27	£1,447.13	£1,736.59

Pack Count	
Pack 1	27
Total	27

(no weighed items in transaction)

Invoice Summary	
Value (Ex VAT)	£1,447.13
Discount	£0.00
Total value (Ex VAT)	£1,447.13
VAT	£289.46
Total due (Inc VAT)	£1,736.59
Cash	£1,740.00
Change Given:	£3.41

Trolley Count Summary			
ID	Cases	Singles	Ex VAT
1	0	19	£1,346.18
2	0	2	£26.70
3	0	5	£75.25
4	0	1	£0.00
Totals	0	27	£1,447.13

Savings	
Promotions	£9.45
Total	£9.45



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There are no outstanding security dockets
 The Company will remain the sole and absolute owner of the invoiced goods until payment in full is received. Until then the Customer may not resell any of the goods and the Company shall be entitled to relake possession. All goods are sold subject to Bestway Wholesale "Terms & Conditions of Sale" which are displayed at customer reception.

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Annex 2

Response from Premises Licence Holder

Dear Mrs Ellie Green,

Thank you ever so much for all your assistance. In addition we would like to inform you and the Sub-Committee in written that:

1) We noticed the plan presented in your documentation in Appendix 4 (3 October 2028) is not of our shop, perhaps it describes the previous coffee shop. Could you please be so kind and amend your documents with Annex 4 337 Bowes Road N11 1BA Plan.pdf, see below. For conformity please check our Carpathina Ltd Premises Licence of 8 March 2018 page 8 that I also attach.

1 bis) In the same document of 3 October 2018 at point 4: Mandatory Conditions it is mentioned: it is not allowed to encourage/promote alcohol drinking on the premises, which is not our case, we are on-sale only, we do not allow alcohol drinking on the premises, period. We just wonder if these should apply to the previous coffee shop, whose plan was in the documentation. Could you please be so kind and clarify, thank you.

2) We understand that the consultation period passed (we attach the Notice we displayed) and no representations had been received

3) We had Refresh Training with our staff on 20/08/2019; 23/11/2019 and 22/02/2020 please see the attached pages.

4) Please make a note that apart from Iulian Frasinescu we hired two more Personal Licence Holders, Ana-Maria Silaghi and Georgian Arsene, see their Personal Licences attached

5) We complied with the mandatory conditions and displayed the Licence, trained our staff and operated A Think 25 prof of age, see images attached

6) Two of our staff were awarded Certificate of achievements, see image Certificate of achievement for Cocuta Gafita and Ioan Gherman

7) Also see Image of BIIB Level 2 for Personal Licence Holder Iulian Frasinescu

8) We paid the ANNUAL FEE: LN/201700925 as you advised us to, on 29 February 2020 and sent the payment confirmation for £180 Ref 6416569: Annual information Licensing Act 2003 - ANNUAL FEE: LN/201700925 to licensing@enfield.gov.uk.

9) Iulian Frasinescu, Nicoleta Gafita and I, Gabriela Doina Basca, certified interpreter - we will attend the 18 March 2020 Hearing at the Council Chamber of Enfield Civic Centre. Do hope that the certified interpreter's presence is acceptable to facilitate the communication, thank you.

We would highly appreciate if you could be so kind and amend the plan of our premises and add these images/proves of our endeavours to comply with the Licence requirements to our file for the 18 March 2020 Hearing at the Council Chamber of Enfield Civic Centre.

10) We are a little bit confused about the Annex 2 **Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

that you sent us by post and e-mail. We couldn't figure if Is it only for our knowledge, or do we have to fill (what paragraphs?) and send it back to you? Should the points we raised in this e-mail from 1 to 8 be included in the Annex 2 and sent back to you? Could you please be so kind and clarify, thank you.

Looking forward to hearing from you,

Yours with gratitude,

Gabriela Doina Basca on behalf of Iulian Frasinescu and Nicoleta Gafita

Response from Ellie Green:

Dear Gabriela

Thank you for your email. I will include your response in the report. I have responded to the points requiring a response, using your numbering as per your email below.

1). I can confirm that the incorrect plan will be removed and the correct premises licence will be provided in the main report, as attached.

1bis). The condition you mention is "Mandatory" therefore these conditions are applied to every licence and must be complied with, if it relates to the licensable activities provided. it is not specific to the premises, unlike conditions in Part 2, Annex 2 or Annex 3 (where applicable). This condition has not been identified as one that officers are concerned with.

9). That is helpful and acceptable, thank you.

10). Annex 2 of the application is the section in case the person or company submitting the review is an individual or a company, and not a Responsible Authority. This section is not required to be completed by you or Trading Standards. Thank you for checking.

Kind regards

Ellie

Personal Licence Part1
Licensing Act 2003

BARNET
LONDON BOROUGH

Ana-Maria Silaghi

Is hereby licensed by the London Borough
of Barnet to supply or authorise the supply
of alcohol in accordance with a Premises
Licence

Valid from: 17th August 2018

Licence number: LAP18/18/59103





Personal Licence Part 1
Licensing Act 2003

BARNET
LONDON BOROUGH

Georgiana Arsene

Is hereby licensed by the London Borough
of Barnet to supply or authorise the supply
of alcohol in accordance with a Premises
Licence

Valid from: 10th April 2018

Licence number: LAPERS/18/58197



20.08.2019

Carpathina Ltd
337 Bowes Road
London N11 1BA

Refresher Training

A refresher training session took place today with all the staff relating to the sale of alcohol on the premises.

All the staff were made aware of the times and conditions of the premises licence:

All the staff engaged in sale of alcohol were trained to operate the CCTV system and download images upon request

The Refresher training were conducted by Iulian Frasinescu, Personal Licence LN/201600540

Name	Signature	Date
Iulian Frasinescu		20.08.2019
Nicoleta Gafita		20.08.2019
Roserie Georgiana		20.08.2019
Gherman Joan		20.08.2019

Carpathina Ltd
337 Bowes Road
London N11 1BA

23. 11. 2019




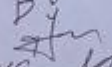
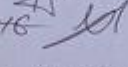
Refresher Training

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All the staff engaged in sale of alcohol were trained to operate the CCTV system and download images upon request

The Refresher training were conducted by Iulian Frasinescu,
Personal Licence LN/201600540

Name	Signature	Date
Iulian Frasinescu		23.11.2019
Nicoleta Gafita		23.11.2019
GHERMAN joan		23.11.2019
Gofita Cocuta		23.11.2019
GEORGINA ARSUTE		23.11.2019

Checked by E. Green USE 31/1/2020

Carpathina Ltd
337 Bowes Road
London N11 1BA

22.02.2020






Refresher Training

A refresher training session took place today with all the staff relating to the sale of alcohol on the premises.

All the staff were made aware of the times and conditions of the premises licence:

All the staff engaged in sale of alcohol were trained to operate the CCTV system and download images upon request

The Refresher training were conducted by Iulian Frasinescu, Personal Licence LN/201600540

Name	Signature	Date
Iulian Frasinescu		22.02.2020
Nicoleta Gafita		22.02.2020
GHERMAN IOAN		22.02.2020
GEORGIANA ARSENE		22.02.2020
GABI SURLEAC		22.02.2020

CHALLENGE 25

If you're lucky enough to look under 25, please be prepared to provide proof that you're aged

18

or over when you buy alcohol

ACCEPTABLE ID

- Cards with Barcodes
- National Identification
- Passport
- Military ID

It is an offense for a person under 18 to buy, or try to buy, alcohol

BIIAB

This is to certify that

IULIAN FRASINESCU

has been awarded the

BIIAB Level 2 Award for Personal Licence Holders

UNDER 25?

Please be prepared to show proof of age when buying alcohol





LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

NOTICE OF APPLICATION FOR REVIEW OF A PREMISES
LICENCE/CLUB PREMISES CERTIFICATE

Premises: Carpathina Ltd
337 Bowes Road
New Southgate
London
N11 1BA

Notice is given that application has been made for a review of the premises licence/club premises certificate (under s.51(3), s.87(3) or s.167 to the Licensing Act 2003) in respect of the above premises.

The grounds for review are:

- The prevention of crime and disorder.

Anyone who wishes to make representations regarding this application must give notice in writing to: Licensing Unit, PO Box 57, Civic Centre, Silver Street, Enfield, Middx EN1 3XH or email: licensing@enfield.gov.uk

Representations must be made between: 24/01/2020
21/02/2020

The public register can be accessed online by visiting www.enfield.gov.uk/services/business-andlicensing and following the link to the Licensing Register. The application can be inspected upon request to licensing@enfield.gov.uk within the 28 days consultation period, dated above.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence. A person guilty of an offence is liable on summary conviction to a fine not exceeding level five on the standard scale.

LICENSING ACT 2003
NOTICE OF APPLICATION FOR A MINOR
VARIATION OF PREMISES LICENCE/CLUB
PREMISES CERTIFICATE*

Notice is hereby given that (a) JUAN FERRIN SU CARATHINA has/have applied to the Licensing Authority of London Borough of Enfield for a minor variation of the Premises Licence/Club Premises Certificate* to permit

(b) SELLING CIGARETTES FROM THE CIGARETTE DISPLAY OPEN TO THE PUBLIC 0600-2200 0600-2200

for the premises (c) CARATHINA LTD EUROPEAN BRG situated at (d) 337 BOWES ROAD N4 1DA

The public register where applications are available to be viewed by members of the public can be accessed online by visiting <https://new.enfield.gov.uk/services/business-and-licensing/> and following the link to the Licensing Register. The application can be inspected upon request to licensing@enfield.gov.uk within 14 days from the date of this notice.

Any person wishing to submit relevant representations concerning this application must give notice in writing to the London Borough of Enfield, Licensing Team, PO Box 57, Civic Centre, Silver Street, Enfield EN1 3XH, or by emailing licensing@enfield.gov.uk, giving in detail the grounds of the representation no later than: (e) 13/10/2018

The Council will not entertain representations where the writer requests that his identity remains anonymous. Copies of all representations will be included in the papers presented to the Licensing Authorities Sub Committee and will therefore pass into the public domain.

Representations must relate to one or more of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence. A person guilty of an offence is liable on summary conviction to a fine not exceeding level five on the standard scale.

Dated this 13/09/2018 day of Sept 10 2018

**MUNICIPAL YEAR 2019/20 REPORT
NO.246**

COMMITTEE :
Licensing Sub-Committee
18 March 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Polonezz 14 Green Lanes London N13 6JR</p> <p>WARD : Bowes</p>	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 A new premises licence (LN/201401122) was issued to Polonez Limited on 25 March 2015 without objection.
- 1.2 The named Designated Premises Supervisor (DPS) has been Ms Izabella Kuziola, since the licence was issued.
- 1.3 No previous review applications have been submitted.
- 1.4 A minor variation application was submitted on 27 April 2018 at the request by Licensing Enforcement, following a seizure of illicit tobacco. The application was granted with modified conditions on 14 May 2018.
- 1.5 The current Premises Licence permits:**
- 1.5.1 **Hours the premises are open to the public:** From 09:00 to 20:00 Monday to Saturday, and 10:00 to 19:00 Sunday.
- 1.5.2 **Supply of alcohol (off supplies only):** From 09:00 to 20:00 Monday to Saturday, and 11:00 to 19:00 Sunday.
- 1.15 A copy of the current premises licence (LN/201401122) is attached in Annex 1, Appendix 4.

2 THIS APPLICATION:

- 2.1 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201401122 and is produced in Annex 1, including Additional Information.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found a second time on the premises i.e. non-duty paid cigarettes.
- 2.3 **The review application is to revoke the premises licence in its entirety.**
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were received from the Responsible Authorities in respect of this review application.
- 3.2 Polonez Ltd have not responded to the review application to date.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 Trading Standards have stated that no further conditions could be added to the premises licence.
- 4.2 Trading Standards further request that if the Licensing Sub-Committee is minded not to revoke the licence that the licence be suspended until full compliance with the licence conditions has been demonstrated and a vary DPS application has been received, naming a licence holder who is competent to meet the conditions.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2017 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

- 5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 5.9.1 to modify the conditions of the licence;
 - 5.9.2 to exclude a licensable activity from the scope of the licence;
 - 5.9.3 to remove the designated premises supervisor
 - 5.9.4 to suspend the licence for a period not exceeding three months;
 - 5.9.5 to revoke the licence [Act s.52].
- 5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Annex 1

Application for the review of a premises licence or club premises certificate 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 **Heena Kanani Principal Trading Standards Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Polonez Ltd t/as Polonezz 14 Green Lanes London N13 6JR	
Post town	Post code (if known)
Enfield	N13 6JR
Name of premises licence holder or club holding club premises certificate (if known)	
Polonez Ltd	
Number of premises licence or club premises certificate (if known)	
LN/201401122	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Heena Kanani Trading Standards London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8132 0687
E-mail address: heena.kanani@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review: (please read guidance note 1)

Enfield trading standards is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises ie. non-duty paid cigarettes.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background:

On **29/10/19** - Officers from Enfield Council's Trading Standards & Licensing Enforcement Team, the Police Licensing Officer, and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in the borough in a crackdown against the sale of illicit tobacco.

One of the premises visited was Polonez Ltd. T/as Polonezz 14 Green Lanes London N13 6JR

At the time of the visit there was one member of staff on the premises, a female. Ms Monika BUGALSKA

The premises was searched and a total of 74 packets of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

Officers found the following cigarettes behind the shop counter:-

10 x Marlboro Red cigarettes (20 sticks)
12 x Marlboro Gold cigarettes (20 sticks)
52 x L & M Cigarettes (20)
74 x 20 = 1480 sticks

14 x Knipnik vodka

23 x Zubrowka Biala vodka
3 x Nalewka Babini Cherry
1x Nawleka Babini Hazelnut
10 x Soplira Wisniowa
51 bottles

The documents issued on 29/10/19 are produced at **Appendix 1 & 2**, and the photos of the seized are produce at **Appendix 3**.

Other

On 22/11/19, Licensing officers carried out a licence inspection.

The following conditions were not in compliance:

Condition 10 & 11 No up to date invoices available at time of visit

Condition 2 the CCTV was not working

Condition 3 no signs were displayed – drinking control area.

It was requested that these conditions brought into compliance within 7 days (ie. By 29/11/19).

Further checks required by Licensing.

An inspection report of these outstanding conditions was completed by Claire, which was signed by and a copy issued to Mr Monika BUGALSKA, manager.

The DPS Izabella Kusziola was not present at the time of either visit.

There is no indication a valid licence is in place at present, the licensee has been asked to provide further information.

Previous History

26/1/2018 – seizure of 94 packets (20 cigarettes):

60 x Marlboro gold

12 x Chesterfield Blue

2 x Marlboro Red

20 x Marlboro Micro Beyond

By Charlotte Palmer

Minor variation licence issued with additional conditions issued 14 May 2018 218005546 this can be found at Appendix 4.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is

expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

This is not the first time that smuggled goods have been found at this premises and trading standards is of the opinion that given the large volume of cigarettes seized it is appropriate to recommend that this licence be revoked.

The cigarettes and alcohol were in plastic bags behind the counter and alleged to be for personal use, if this is the case they should have been kept in a place that is not commercial licensed premises. Trading Standards has a lack of confidence in the explanation offered by those involved in running the business.

If the Licensing Committee is minded not to revoke the licence then trading standards ask that the licence be suspended until the following actions have been completed:

1. Full compliance with the licence conditions has been demonstrated.
2. The named DPS demonstrates a thorough understanding of the licence conditions and discusses with the licensing authority her intention to fully supervise and record compliance with the conditions or a Vary DPS application has been granted to a DPS who is capable of doing so.

Trading Standards make no recommendation regarding amendments to the licence conditions, these had already been varied in May 2018 and have been demonstrated as not being adhered to. They contain the most appropriate and up to date conditions consistent with the Operating Schedule.

Trading Standards reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance the Licensing Authority feels it is appropriate to seek total revocation of the premises licence.	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

If you have made representations before relating to these premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – 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: 17 Janaury 2020

Capacity: Principal Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Polonezz
14 Green Lanes
London
N13 6JR

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the review application submitted on 24th January 2020:

11.02.2020 – 11:14 – 11:38 - Senior Licensing Enforcement Officer (CPX) visited the premises to carry out a premises licence inspection revisit. Condition 2 relates to CCTV. When the officer advised that they needed to check that the system was working the member of staff advised that they kept having issues with the CCTV and that it was fixed recently but that they have a problem with rats and that the rats keep chewing through the CCTV cables. The officer asked if there was any evidence that the CCTV had been fixed and that there was a reoccurring issue with the system being damaged and was shown a folder full of invoices from Pest Control Companies. The Manager spoke some English but not much so she made a phone call and handed the officer the phone to speak to the person. The officer spoke to a lady who said she was a friend of the owner and that the owner was not available. The officer advised why they were there and she told the officer that they had kept getting the CCTV fixed but that it kept breaking. The officer advised that a licence review application had recently been submitted and that it was very import that the premises licence holder be able to demonstrate compliance with the licence condition as the results of each inspection would be submitted and considered as part of the licence review. Whilst at the premises the officer also checked conditions 3 of the licence and advised the lady on the phone that a 'Designated Public Place Order' poster needed to be displayed at the exit. The y officer advised that they would email a copy to them. Also whist at the premises the officer checked to see if products had English labelling. Not all products did but staff showed the officer that they had a machine via which staff or customers could scan the bar code of an item and it would print out a sticky label with the ingredient printed in English. The officer completed an inspection report which was signed by the manager. **See Appendix 5.**

Once the officer left the premises they phoned Food Safety Team and advised them of the rat infestation. The premises was subsequently closed until this issue was resolved.

27/02/2020 – Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises to check the outstanding licence conditions. Condition 10 - Time on CCTV monitor was 2 hours 40 minutes fast. This need correcting. Staff unable to access password to access playback s unable to check how long footage was being stored for.

An inspection report was completed and a copy signed by and given to staff. **See Appendix 6.**

NOTICE OF SEIZURE

No 1463

AB/2

ENFIELD
Council
www.enfield.gov.uk



Name: Polonez Ltd
Address: Marcin Kuzio
14 Green Lanes
N13 6JR

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:

Standardised Packaging of Tobacco
Products Regulations 2018
Consumer Rights Act 2015

Seized from behind counter! -
x 50 pkts L+M Cigarettes
x 10 pkts Marlboro Red Cigarette
x 12 pkts Marlboro Gold Cigarette
Sealed into evidence bag:
R00189229/seal no: TE 252895
x 2 pkts L+M Cigarettes
Sealed int evidence bag: N06171778

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: Charlotte Palmer Date: 29/10/19
Signature: [Signature] Direct Dial: 0208 379 3965
Received by: Waike Bupelshu Position in Business: Waike Bupelshu

REF: WK/

LICN_1

217070480 LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Polonezz	
Premises Address	14 Green Lanes, N13 6JR.	
Time of Visit:	Start: 11-08.	Finish: 11-29.

During an inspection of your premises on ...29th October...2019..., 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
	Please provide invoices for the following products
14 x	Original knipnik vodka
23 x	Zubrowka Brata vodka
3 x	Nalewka Babuni Cherry
1 x	Nalewka Babuni Hazelnut
10 x	Soplica Wisnowa
	Need to show duty has been paid. Also labelling must be

Any other matter(s) that need addressing: In English to show ingredients

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>Palmer</i>	Signature: <i>Maisha Bugalska</i>
Print Name: CHARLOTTE PALMER	Print Name & Position: Maisha Bugalska
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/>.

JZA



L.B. ENFIELD TRADING STANDARDS INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers Police and Criminal Evidence Act 1984 Code of Practice

Address of Premises Potomaz Ltd - 14 Green Lanes N13
 Type of Premises Retail Occupier Marcinkuziora
NOT on premises

POWER UNDER WHICH SEARCH MADE (TICK WHICH APPLIES)

WARRANT (Officers powers are summarised overleaf)
 under _____ Act _____ Date granted _____ By _____

STATUTORY POWER (These powers are summarised overleaf)
 Statutory powers under: Trade Description Act 1968 / Consumer Rights Act 2015

WRITTEN CONSENT (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)
 With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I HEREBY CONSENT TO OFFICERS OF THE L.B. ENFIELD TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES: I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

I HEREBY CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature Manica Bugalska Name (Capitals) Manica Bugalska
 Status relative to premises Manager Date 29/10/19

Premises Searched Record

OFFICERS PRESENT AT SEARCH
 (Show Name & Organisation)

Charlotte Palmer	PC Karen Staff
Amanda Butler	Dog Hadler and Dog from Wagtail International
Entry Forced: YES / NO - If yes state reasons:	
Damage - caused on entry or during search and circumstances:	
Arrangements to Secure Premises:	
Extent of Search:	
Search Register No:	

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29/10/2019 12:22



29/10/2019 12:22



Producent: S.O.C. International s.r.l.s.
41-081 (Legnano) - Lombardia (MI)
www.soplica.com

500 ml 30% vol.
liter

SOPLICA WIŚNIOWA
Eventualne wytrącenia są dopuszczalne i spowodowane dodaniem naturalnych składników.



29/10/2019 12:22

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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/201401122

Part 1 – Premises Details

Postal address of premises:

Premises name: Polonezz

Telephone number: Not provided

Address: 14 Green Lanes LONDON N13 6JR

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:

Operating Schedule Details

Location	Whole premises	
Activity	OPEN-Open to the Public	
Sunday	10:00-19:00	
Monday	09:00-20:00	
Tuesday	09:00-20:00	
Wednesday	09:00-20:00	
Thursday	09:00-20:00	
Friday	09:00-20:00	
Saturday	09:00-20:00	
Non-Standard Timings & Seasonal Variations	Tuesday, Wednesday and Thursday preceding Good Friday: 09:00 - 21:00 21, 22 and 23 December (if on Monday to Saturday): 09:00 -21:00 21, 22 and 23 December (if on a Sunday): 10:00 - 21:00	

Location	Off Supplies	
Activity	ALCS-Supply of Alcohol	
Sunday	11:00-19:00	
Monday	09:00-20:00	
Tuesday	09:00-20:00	
Wednesday	09:00-20:00	

Thursday	09:00-20:00
Friday	09:00-20:00
Saturday	09:00-20:00
Non-Standard Timings & Seasonal Variations	

Part 2

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

Name:	Polonez Ltd
Telephone number:	Not provided
e-mail:	[REDACTED]
Address:	Polonezz, 14 Green Lanes, LONDON, N13 6JR

Registered number of holder (where applicable): 09302439

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:	Ms Izabella Kuziola
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:	[REDACTED]
Issuing Authority:	Croydon Council

Premises Licence LN/201401122 was first granted on 25 March 2015.

Signed: 

Date: 14 May 2018

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. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police or authorised local authority employees will have access to images at any reasonable time; (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request. (15) At least one member of staff trained in how to operate the CCTV system and how to download images/footage shall be on the premises throughout the sale of alcohol hours.

3. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

4. A written or electronic 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.

5. All staff at the premises shall receive induction and refresher training (at least every 3 months), relating to the sale of alcohol and the times and conditions of the premises licence.

6. 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.

7. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

8. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

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

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

11. 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.

12. 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.

13. 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

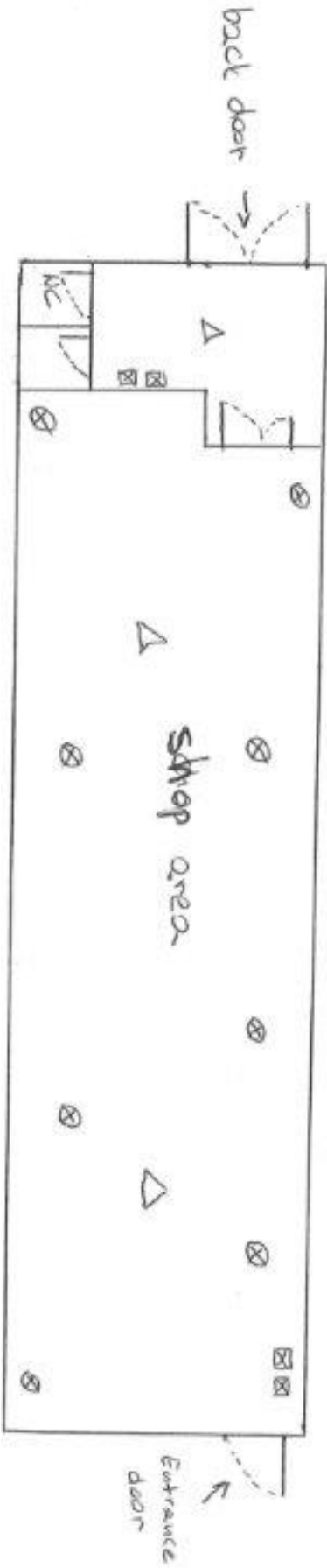
Not applicable

Annex 4 – Plans

Scale 1:100

Site plans for:

14 Green Lane N13 6JR



⊗ - CCTV

⊠ - extinguisher

△ - fire alarm

Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must 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
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol 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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) 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.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

(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.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above 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.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above 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.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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REF: WK/

2 19036375

LICENSING ENFORCEMENT INSPECTION REPORT

LICN_1

Premises Name	Polonezz	
Premises Address	14 Green Lanes, N13 6JR	
Time of Visit:	Start: 11.14	Finish: 11.38

During an inspection of your premises on ...11th Feb..... 2020....., 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
2	Review. staff advised issues with CCTV as they have a rat problem and they chew through the cables. was fixed 2 weeks ago but has happened again. some cameras working.
3	Designated Public Place order poster to be displayed. I will email one to you.

Any other matter(s) that need addressing:
 Not all products are labelled in English. However there is a machine where you can scan the product and print a label with English text.

You are required to have the above matters attended to within7.....days 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
Print Name of Officers in Attendance: CHARLOTTE PALMER	Signature: <i>Monika Bryedon</i>
	Print Name & Position: MONIKA
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 0208 132 2004 or charlotte.palmer@enfield.gov.uk	Email/Tel:

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



REF: WK/ 219036375

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Polonezz	
Premises Address	14 Green Lanes N13 6JR	
Time of Visit:	Start: 19:55	Finish: 20:10

During an inspection of your premises on 27th February 2020, 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
	visit to check c.2, 3, 10.
C.2+3	satisfactory
C.10	CCTV monitor is 2 hours 40 minutes fast. This needs correcting.
	Staff unable to access password to access playback.

any other matter(s) that need addressing:
 Zumer Isabela tel: [REDACTED]
 Please contact Charlotte Palmer to arrange an appointment to view corrected CCTV and playback.

You are required to have the above matters attended to within 7 days 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
Print Name of Officers in Attendance: VICTOR KTORAKIS Ellie Avelin	Signature: [Signature]
	Print Name & Position: Antonia Szyrkr, cashier
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 0208 132 2004 or charlotte.palmer@enfield.gov.uk	Email/Tel:

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



LICENSING SUB-COMMITTEE - 22.1.2020

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 22 JANUARY 2020**

COUNCILLORS

PRESENT (Chair) Chris Bond, Mahym Bedekova and Maria Alexandrou

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: (Item 3)
2 representatives on behalf of Euro International (applicant)
(Item 4)
3 representatives on behalf of Fresh Food Centre (applicant)

414**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond (Chair) welcomed all those present and explained the order of the meeting.

415**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest.

416**EURO INTERNATIONAL, 212-214 CHASE SIDE, ENFIELD EN2 0QX (REPORT NO. 187)**

RECEIVED the application made by Mr Ali Serbet for the premises situated at Euro International, 212-214 Chase Side, Enfield, EN2 0QX for a New Premises Licence.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This was a new premises licence application. At the Licensing Sub Committee (LSC) hearing in December, the applicant Mr Serbet had attended to request an adjournment to allow the applicant to obtain legal advice, which was granted.
 - b. A similar premises licence at the premises was surrendered by Mr Hikmet Samsun on 19 October 2019. Mr Serbet had applied for the

LICENSING SUB-COMMITTEE - 22.1.2020

same hours as the previous licence: opening hours 06:30 to 00:00 and supply of alcohol (off sales) 08:00 to 00:00 daily.

- c. It should be noted that Mr Serbet had former involvement in the premises. This formed the basis of the Licensing Authority and Police's objections. Those representations were based on the prevention of crime and disorder licensing objective. The Licensing Authority sought additional conditions (set out in Annex 7 of the report) to be included on the licence should LSC be minded to grant the application, and the applicant had agreed to all the conditions proposed.
 - d. The applicant had now provided a written representation, set out in Annex 6.
 - e. Mr Serbet was in attendance at the hearing, with Mr Ali Hussain of AHS Law. Charlotte Palmer was in attendance, representing the Licensing Authority. PC Karen Staff sent apologies on behalf of the Police, but had no further information to add.
2. The statement of Mr Hussain on behalf of Mr Serbet, the applicant, including:
- a. The core issue around the application was whether the licensing objectives could be met.
 - b. There had been incidents at these and related premises, and the concerns of the Police and Licensing Authority were understood.
 - c. He wanted in no way to undermine those concerns, but Mr Serbet had taken advice on and tried to address them so there would not be problems in the future.
 - d. The applicant's representation was highlighted, and it was submitted that going forward the licence could be safely and properly granted.
 - e. The 2016 incident was subject to court proceedings and the charges were dismissed in respect of whether Mr Serbet was involved in selling contraband cigarettes. It was asked that undue weight was not placed on those previous matters, which were also some time ago.
 - f. In respect of the further incident in August 2018 at the Bush Hill Park premises where non-duty paid cigarettes were found on Mr Serbet; he told authorities at the time that these cigarettes were given to him as a gift by someone who was visiting. The packets were in a carton and Mr Serbet was going to smoke them and not sell them.
 - g. In respect of the incident on 3 December 2019, that sale was done by a staff member, Mehmet, and as soon as Mr Serbet was aware of that sale Mehmet was dismissed. In the circumstances Mr Serbet took appropriate action. The sale was made without his knowledge and he made no financial gain from that transaction. Indeed it would be foolish to be involved in illegal selling whilst having a licensing application in process. However, Mr Serbet takes responsibility for those working at the premises and he took appropriate action.
 - h. Going forward, all the objections had been considered, and Mr Serbet was committed to complying with all the licence conditions. Ada Consulting had been instructed to provide a training programme and

LICENSING SUB-COMMITTEE - 22.1.2020

advice on supervision, maintaining registers, etc. Mr Serbet would be supported by Ada Consulting who also had Turkish speakers and could translate documents to ensure Mr Serbet understood what was expected of him. Concerns such as the display of posters had been addressed.

- i. Mr Serbet had invested a considerable amount of time in the business. He was the leaseholder and was responsible for paying the rent and bills. He employed three people at the premises. Mr Serbet was the Designated Premises Supervisor and had another trained employee, Hussain.
 - j. All efforts had been made since October in respect of compliance with the licence. Mr Serbet was committed and determined to ensure the business succeeded. The business would be operated within the law and Mr Serbet would meet the licensing objectives. He understood that the licence may be reviewed and revoked otherwise.
3. Mr Serbet and his representative responded to questions, including:
- a. In response to the Chair's queries, Mr Hussain clarified that his contact with Ada Consulting had taken place yesterday, but that the company had been instructed by Mr Serbet in October and they had been working together for three months. Mr Hussain had asked and received confirmation about the training provided by Ada Consulting to Mr Serbet.
 - b. In response to questions from Charlotte Palmer, Senior Licensing Enforcement Officer, Mr Serbet advised that he was present at the premises every morning, and that all the staff at the premises were new and had not been involved in the premises previously.
 - c. In response to further questions regarding Mr Serbet's takeover of the business, he confirmed that he had taken control of the business seven to eight months ago. When asked why the application had not been made earlier than October, and noting that there had been a breach of conditions for several months, Mr Serbet apologised but that those running the premises had run away and left behind bills and no stock. He had given the Police that information. He did not know what he had to do in respect of the licence. When asked specifically about the licence condition mentioning his name, Mr Serbet referred to the 2016 court case, and stated that he had not read the premises licence as he had too many bills to deal with.
 - d. In response to further queries as to how the licence could be complied with if Mr Serbet was not aware of its conditions, and how the Licensing Authority could have confidence in him as licence holder, Mr Hussain confirmed that Mr Serbet had to accept that he should not have been at the business, but he had been trying to explain the situation.
4. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of the Licensing Authority, including:

LICENSING SUB-COMMITTEE - 22.1.2020

- a. Although this application was for a new premises licence, Mr Serbet had held the licence previously. That licence was revoked in April 2016 on grounds including that the premises had been found to be selling non-duty paid alcohol and tobacco and breaching other licence conditions.
 - b. Mr Serbet had connections to another licensed premises in Bush Hill Park, and in August 2018 was working there when seven packets of non-duty paid cigarettes were found on his person. These were advised to be for personal use, but this was a commercial premises where having those cigarettes would be a silly thing to do, particularly after having been taken to court previously. Mr Serbet appeared at best naïve.
 - c. In October 2018 during a further illicit tobacco check, three packets of non-duty paid cigarettes were found in a jacket in the store room and Mr Serbet was working at the premises at the time of the visit.
 - d. At a visit by Trading Standards officers on 3 December 2019 a test purchase, asking for 'cheap tobacco', was made and a packet of cigarettes which appeared to be non-duty paid was sold by a member of staff that was not Mr Serbet.
 - e. The issues in respect of businesses owned by Mr Serbet had led the Licensing Authority to lack confidence in him to hold a licence. The Licensing Authority therefore continued to object to this application in its entirety.
5. The summary statement by Ellie Green, Principal Licensing Officer, that having heard all the representations it was for the LSC to consider whether the application was appropriate and in support of the licensing objectives. The potential steps the sub committee may be minded to take were set out in the officers' covering report, along with relevant guidance and policy.
 6. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the repeated non-duty paid tobacco seizures had led to the Licensing Authority's lack of confidence in Mr Serbet to operate a licence and to object to this application.
 7. The summary statement of Mr Ali Hussain on behalf of the applicant that Mr Serbet's previous incidents could be summed up as silly and naïve. Action had now been taken to ensure compliance with the licence. Mr Serbet had learned his lesson. There had been meetings and discussions and he knew he could not fail in the business as his livelihood depended on it. The licensing conditions had been discussed at length with Mr Serbet and he did understand them.

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

LICENSING SUB-COMMITTEE - 22.1.2020

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:

“We have listened and read and considered all of the evidence put before us and find we are not persuaded that Mr Serbet has the capability to run any business which involves licensed premises.

Mr Serbet previously ran a business at this site and lost that licence. The licence granted to the new business at that premises, included a condition that Mr Serbet could not be involved in it. When those licence holders left in the summer of 2019, Mr Serbet took over the business in specific breach of that licence condition. Mr Serbet said he didn't know this. The fact makes the Licensing Sub Committee (LSC) believe Mr Serbet is incapable of running any licensed business in accordance with its conditions.

Further, at another shop owned by Mr Serbet/his company, another staff illegally sold non-duty paid cigarettes. The LSC are persuaded that Mr Serbet lacks the ability even now after training to manage his staff to prevent from doing illegal activity on his premises.”

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

417

**FRESH FOOD CENTRE, 220-222 HERTFORD ROAD, ENFIELD EN3 5BH
(REPORT NO. 188)**

RECEIVED the application made by KYK Trading Ltd for the premises situated at Fresh Food Centre, 220-222 Hertford Road, Enfield, EN3 5BH for a New Premises Licence.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This was an application for a new premises licence, and the applicant was KYK Trading Ltd. The proposed Designated Premises Supervisor (DPS) was Mr Talip Kaynar, as per the existing premises licence. He was also a Director of the company.
 - b. Since 2009 a licence had been held at the premises. There had been no review applications for the existing licence.

LICENSING SUB-COMMITTEE - 22.1.2020

- c. This new application sought 24 hour opening and sale of alcohol 24 hours daily.
 - d. Current timings for opening and supply of alcohol were both 08:00 to 23:00 daily.
 - e. An objection to the hours sought had been made by the Licensing Authority and the Police due to the premises being in the Enfield Highway Cumulative Impact Policy (CIP) Area and seeking times in line with the CIP of 08:00 to 00:00 daily.
 - f. Authorities may seek additional conditions to the licence should it be minded to grant a full 24 hour licence.
 - g. The applicant had not given indication before the hearing in respect of additional conditions proposed by the responsible authorities whether the conditions were agreed.
 - h. There was an automatic presumption of refusal for applications outside the CIP core hours. It was for the applicant to set out what mitigation measures would be taken and why the application should be an exception to the CIP policy.
 - i. KYK Trading were represented at the hearing by two of the Directors, and by Mr David Dadds, Dadds LLP Solicitors.
 - j. PC Karen Staff gave apologies for absence at the hearing, but did not wish to add anything further to the written representation on behalf of the Police.
2. The statement of Mr Dadds, solicitor on behalf of the applicant, including:
- a. The applicant had not made any further written submissions as they expected to provide their responses at the hearing.
 - b. There were only two representations against the application, from the responsible authorities.
 - c. The business was described: it was a fairly big store/small supermarket operation which had undergone substantial investment to bring it up to a very high standard. A sum of £885,000 had been invested in the refit. 21 staff were employed at the premises. It stocked over 7,000 product lines. Alcohol sales were a component of the business but not a majority: the store plan showed alcohol taking up around 10 – 12% of the floor area, in one corner.
 - d. The application had been written with conditions that should rebut the presumption of refusal, as they provided more than adequate mitigation. If the licensing objectives were being promoted, the licence should be granted. In this case the conditions and the way the premises operated showed that the applicants believed they can promote the licensing objectives.
 - e. Two representations had been received from the responsible authorities. There were no representations from members of the public and no representations from local councillors. On a visit to the area he had spoken to a community warden who told him there were no issues in the immediate area in respect of street drinking or any particular crime issues over and above what could be seen in any town.

LICENSING SUB-COMMITTEE - 22.1.2020

- f. With reference to the Police report, if they were just looking at the CIP policy and objecting on that basis only, that would be unlawful and arbitrary. Guidance said that anyone making a representation should refer back to the information that put the policy in place, or the issues in the area. Enfield's CIP policy was five years old, and a lot may change over that time span. The onus would be on the Police to refer to any anti-social behaviour, nuisance or crime and disorder locally, with areas where problems were occurring identified with specific days, times, issues, etc. That there were special policies did not relieve the responsible authorities of the need to make such representations. Each application should still be considered individually in each case. There was no history of crime and disorder at this premises, and nothing of particular concern was raised in the Police written representation.
- g. A CIP would deal with a number of licensed premises in a given area where the concentration caused problems such as queueing for taxis and for late night food. There was no such cumulative effect in this vicinity.
- h. In respect of an off-licence, the only concerns could be street drinking and anti-social behaviour. It was understood there was a 24-hour shop around 300 metres away that would have been a good source of reference. It had been hoped to seek clarification from the Police at this hearing. As there was no Police representative in attendance, it may be assumed that there was no concerning crime and disorder in the area. The Police may have objected purely on the grounds of the CIP policy, but the reasoning was weak.
- i. In respect of hours, the aspiration for the business was to trade 24 hours, and the operators believed this could be done safely and in promotion of the licensing objectives. He would ask, if the panel were not minded to grant 24 hours, that they would look at giving later licensed hours until at least 02:00. Data was not available for nearby businesses, but the councillors may be able to use their local knowledge.
- j. He had asked Licensing Authority officers if there could be discussion around the times, but been told that the Council policy had to be upheld. This fed back to his argument that this was just a policy decision.
- k. In respect of the conditions requested by the Police, these were in principle acceptable except for 1) c. that cameras overlooking floor areas should be wide angled. The operators would argue that not all cameras should or needed to be wide angled; for example cameras covering the doorway. This premises had sophisticated CCTV with 56 cameras, which were all electronic and able to be viewed remotely. Otherwise, the Police's proposed conditions, with the exception of the change of hours, were all agreed.
- l. Similarly, in respect of the Licensing Authority representation, there was no information referring back to the data at the time of the CIP policy coming into force, five years ago. There was no evidence of anti-

LICENSING SUB-COMMITTEE - 22.1.2020

social behaviour, complaints, street drinking, noise, etc from Environmental Health.

- m. After midnight, this vicinity was very quiet: too quiet. There was no cumulative impact and no issues. It was not considered that there would be issues when the business was operating at night either. Even if licensable activities were not granted beyond 02:00 the shop would want to open 24 hours.
 - n. The arrival of the shop was well received by local residents, and there was demand for 24 hour opening. The shop would offer a range of products that the community wanted. The business wanted to be a part of the community, and did not want to undermine the licensing objectives.
 - o. In respect of the conditions requested by the Licensing Authority, he suggested the amendment from 'regularly' to 'monthly' checking of the refusals system to ensure it is being consistently used by all staff. This amended wording would be more specific, and enforceable, and had been agreed with the Licensing Authority.
 - p. He had not been given the opportunity to look at any other conditions should the panel be minded to grant later hours.
3. The applicant and representative responded to questions, including:
- a. Councillor Alexandrou questioned known demand if the vicinity was quiet at night, and the likely volume of alcohol sales. It was advised that the shop had only been open for three weeks, and that alcohol had been around 8% of sales. Rather than an off-licence, this was a supermarket, with high sales of food, and a bakery, for which there would still be a demand. The business wanted to establish and to improve. This was a commercial decision to open 24 hours. There was no cumulative impact effect and no reason the shop should be stopped from opening. The Legal Services representative confirmed that the panel did not have to consider the commercial demand for the business.
 - b. In response to the Chair's queries regarding investigations made locally, it was confirmed that data had been sought for crime and disorder within a 200 metre radius and that the surrounding area had been walked, looking out for evidence of street drinking or other issues. This visit was confirmed as being during the daytime 11:30 to 13:30. There were no specific issues raised by the Police, or relevant evidence.
4. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of the Licensing Authority, including:
- a. The objection was on grounds of prevention of crime and disorder. This application was for a large convenience store for 24 hour opening, on Hertford Road, but there were residential properties above and in nearby side streets.

LICENSING SUB-COMMITTEE - 22.1.2020

- b. This morning, the applicant had agreed to all conditions suggested by the Licensing Authority with one slight amendment: to replace the word 'regularly' with 'monthly', which was agreed.
 - c. Had there been communication from the applicant before today, the Licensing Authority and the Police would have been able to provide more information in respect of the representations.
 - d. The premises was already licensed to 23:00. The licence was transferred on 5/11/19, and Mr Kaynar had been the Designated Premises Supervisor since 6/1/20. The Licensing Authority therefore had little time to judge if there was compliance with the licence or any nuisance. There had previously been concern in respect of crime and disorder and nuisance in this area.
 - e. As the premises was in the CIP area there was a presumption that applications outside the CIP core hours would be refused. The onus fell on the applicant to show there would be no negative impact on the area. It was not for residents or councillors to say why the panel should go against policy.
 - f. At the time of the application, no additional information had been provided in respect of the CIP and the applicant had still not stated what steps would be taken over and above the conditions on the current licence in respect of why the CIP policy should not apply.
 - g. The Licensing Authority believed that the applicant had failed to demonstrate why the CIP policy should not apply in this case. They had suggested that the area was too quiet at night: maybe that was because the CIP was doing what it was designed to do.
 - h. Updated statistics for the CIP were published online in December and would be coming into force this week. The data suggested that the CIP was still needed in the area and should apply.
 - i. The Licensing Authority recommended that times were limited for the sale of alcohol in line with the core CIP hours.
5. In response to the Chair's query, it was confirmed that there were now few late night licensed premises in the area.
 6. The summary statement by Ellie Green, Principal Licensing Officer, that having heard all the representations it was for the Licensing Sub Committee to consider whether the application was appropriate and in support of the licensing objectives. The potential steps the sub committee may be minded to take were set out in the officers' covering report, along with relevant guidance.
 7. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the Licensing Authority saw no reason why the CIP should not apply to this application, and recommended that a licence be granted to 00:00 only.
 8. The summary statement of Mr Dadds, solicitor on behalf of the applicant, highlighting statutory guidance and that every application should be

LICENSING SUB-COMMITTEE - 22.1.2020

determined on its own merits. There had not been more discussion in advance of the hearing as it was known that negotiation was limited as this was a policy decision by officers. A CIP should manage the issues within an area, not shut it down. There did not appear to be a large night time economy here. If there was new crime data, this could have been served as a representation. The application with conditions submitted would promote the licensing objectives, and was a good addition to the community.

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:

“The LSC have considered the evidence before them today.

We accept that evidence to support why the CIP should apply in these circumstances is not strong. Therefore we are granting this for the hours requested but with the varied wording of the conditions agreed here today at the hearing.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:

Opening hours: 24 hours daily

Supply of alcohol (off sales): 24 hours daily

Conditions (in accordance with Annex 5 of the LSC report):

Conditions 1 to 12, amended as agreed: to remove Condition 2(c) and to amend Condition 8 that the Designated Premises Supervisor shall ‘monthly’ check the refusals system.

418

MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meeting held on Wednesday 18 December 2019 as a correct record.

LICENSING SUB-COMMITTEE - 22.1.2020

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LICENSING SUB-COMMITTEE - 26.2.2020

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 26 FEBRUARY 2020**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Christine Hamilton and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: 2 representatives on behalf of Interested Parties and 6 observers
5 representatives on behalf of Ponders End Smallholders Association

483

WELCOME AND APOLOGIES FOR ABSENCE

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

484

DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

485

PONDERS END SMALLHOLDERS ASSOCIATION, 82A CHURCH ROAD, ENFIELD EN3 4NU (REPORT NO. 209)

RECEIVED the application made by the Licensing Authority for a review of the Club Premises Certificate (LN/200600378) held by Ponders End Smallholders Association at the premises known as and situated at Ponders End Smallholders Association, 82A Church Road, Enfield, EN3 4NU.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This was a review application by the Licensing Authority for the club premises certificate held by Ponders End Smallholders Association, known as PEDSA.

LICENSING SUB-COMMITTEE - 26.2.2020

- b. PEDSA was a long-established allotments society registered members club, which placed separate obligations on the club in respect of club rules and constitution via the Financial Service Authority (FSA).
 - c. Club premises certificates were only made available under the legislation to qualifying members clubs, and the club activities may be carried on for club members, bona fide guests or associate club members and their guests.
 - d. The legislation allowed clubs to operate licensable club activities without a designated premises supervisor or personal licence holder(s).
 - e. No general public licensable activities may take place reliant on a club premises certificate as these would need to be authorised by means of a full premises licence or else temporary event notices.
 - f. The current club premises certificate permitted 24 hour opening and recorded music, late night refreshment, and supply of alcohol (on and off supplies) Sunday 12:00 to 22:30, Monday to Saturday 10:00 to 23:00.
 - g. The Licensing Authority and Enforcement Team had submitted the review in respect of the prevention of crime and disorder licensing objective. The Licensing Authority had lost confidence that the club was being run in line with the legal requirements and had ceased to be a qualifying club.
 - h. The Licensing Authority considered that it was now appropriate, for the promotion of the licensing objectives, to withdraw the club premises certificate in its entirety.
 - i. No representations were received on behalf of the Responsible Authorities.
 - j. Three representations were received from local residents supporting the review application, referred to as IP1 to IP3, and set out in Annex 4 of the report. IP1 and IP3 were unable to attend the meeting, but IP2 was in attendance and represented by Mr Dennis Defur.
 - k. On behalf of PEDSA, Ms Linda Marsh was in attendance and Ms Maria Swords would be speaking on her behalf.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of the Licensing Authority, including:
- a. The review was brought on the grounds of prevention of crime and disorder, because the Licensing Authority did not believe that the club was being run in line with the legislative requirements.
 - b. A club premises certificate was only available to qualifying clubs, meeting the criteria that it is established and run in good faith. The Licensing Authority was of the opinion that the club had ceased to be a qualifying club and that it was no longer being conducted in good faith, and that the licensing objective was being undermined.
 - c. The club was not meeting requirements in respect of accounts, its committee, or club rules.

LICENSING SUB-COMMITTEE - 26.2.2020

- d. Section 63 of the Licensing Act 2003, as set out on page 5 of the agenda report set out details in respect of determining whether a club was established and conducted in good faith.
- e. Missing accounts in 2016 resulted in a previous review hearing on 16/08/17. Issues raised at that time had still not been resolved. The Licensing Authority had contacted the club numerous times regarding submission of accounts, but they had not been provided to the Licensing Authority, the FCA, or to the club members. Several excuses had been given, including that documents had been returned in the post. Officers were told there had been a fire at the accountants office, that there were difficulties in communication, and that mail had been intercepted and returned, and that a previous member had withheld paperwork. However, this was not a new issue, and there were now accounts outstanding for four years. Good record keeping was important to show that the club was run in good faith.
- f. Section 64 of the Licensing Act 2003 required that the purchase of alcohol for the club and the supply of alcohol by the club was managed by a committee, and set out how this should be run. In October 2019 the Licensing Authority requested copies of minutes for committee meetings for the last 18 months. To date these had not been provided and there was no evidence of compliance, or that committee members were elected by members of the club. There should be accurate records and voting. The lack of elections and AGM meetings had wider implications. The lease would end in 2020. The Council would require documentary evidence.
- g. The Licensing Authority was given an updated rulebook after the review in 2017, provided as Annex 2 to the report. Rule 19 advised that the accounts shall be submitted and the officers for the ensuing year elected at the Annual General Meeting (AGM). Historically the AGM had taken place in June. At a meeting on 21/10/19 she had been told there was no AGM in 2019 and it was not recalled if there had been one in 2018. The club was not following its own rules.
- h. When the current rulebook was requested, an old version from 1990 was submitted. It was therefore questioned which rules the club was using.
- i. Two and a half years after the review hearing there was still a confused situation at the club.
- j. Withdrawal of the club premises certificate would mean that the club would have to stop selling alcohol, late night refreshment, and regulated entertainment, and would have to remove the gaming machines.
- k. If the club could demonstrate that they were a qualifying club, they could apply for a new club premises certificate. This would involve meeting the criteria that it was established and run in good faith, and that it followed its own rules.
- l. The Licensing Authority considered that at present the prevention of crime and disorder licensing objective was being undermined, and that the club premises certificate should be withdrawn.

LICENSING SUB-COMMITTEE - 26.2.2020

3. The statement on behalf of the interested parties, including:
 - a. Since the review in August 2017 the club had failed in compliance and governance, and in respect of the FCA and its own rules.
 - b. Members had been dissatisfied with this group of people for bad management over many years. They had found it difficult to access the clubhouse and site.
 - c. Members were not aware of the financial state of the club, and were concerned about the accounts.
 - d. There had been no notification or vote involving plot holders in respect of use of part of the premises for the Sonny the Snail charity or their event advertised on FaceBook and other sites.
 - e. PEDSA was subject to the Co-operative and Community Benefit Societies Act 2014 and needed to meet its requirements, which it had not done. By its failure to send the rulebook to the FCA, PEDSA had committed an offence under the Act, and could be potentially misleading to the public.
 - f. Other concerns related to payment of fees to the Council, and to ongoing employment tribunal proceedings.
 - g. As the club had not complied with the regulations they had committed an offence and the club premises certificate should be suspended.

4. The statement by Maria Swords on behalf of PEDSA, including:
 - a. The issues were understood and not denied by the club, which had been lackadaisical with its paperwork.
 - b. She had been doing her best as assistant to Linda Marsh.
 - c. There were accusations of people not being let in the clubhouse, but if they had not paid, people could not be members. There had been slander and complaints.
 - d. She had brought more paperwork to the hearing, which she apologised had not been provided previously. They were short of time as they all worked, but they had tried their best.
 - e. Things had been difficult around holding an AGM but members had been asked their views in the clubhouse.
 - f. A direct debit was set up to pay the Council for everything, but the club was not receiving all the monies it should because of wayward people, and Linda had paid out of her own pocket to keep things going. As they were not plot holders, they could not go on to the plots, and some members did not know who to pay.
 - g. A lot of documentation had been sent to PEDSA's accountant Mr Mandra. There had been problems with paperwork being intercepted in the post, so a home address was now used.
 - h. Meetings were held every three months to let everybody know what was going on. It was acknowledged that the AGM was outstanding, but it was hoped to have an AGM this year.

LICENSING SUB-COMMITTEE - 26.2.2020

- i. Members had been asked for signatures / proof of membership, and asked if they wanted anyone else to take over running the club. They were just trying to save the club for the members who came in.
 - j. They did not sublet to anybody. Sonny the Snail was a charity who were accommodated for free, with nothing given or taken from them.
5. Maria Swords responded to questions as follows:
- a. In response to the Chair's queries about what measures had been taken by the club, it was advised that they had been trying to find the paperwork so that it could be submitted. A lot of documentation had been provided to their accountant this week and it was hoped to hold an AGM as soon as possible. They were trying to get things back in order so everybody could carry on. The genuine members wanted them to carry on with the club and that is what they were trying to do for them.
 - b. In response to interested parties' queries why things were not done around governance issues after the last review, it was advised that the committee members at the time did try but had not been successful. The committee members had changed and it was not easy to get information from people who had left. In addition, there were issues with the employment tribunal and conflict.
 - c. The Chair confirmed that the issue relating to non payment of fees to the Council had been resolved.
 - d. In response to queries from Charlotte Palmer, it was confirmed that there was no AGM in 2018 or 2019, as paperwork was unavailable as explained. It was confirmed that accounts since 2016 were still not available, but that it was hoped this would be rectified soon. It was thought that the club was still using the 2017 rulebook, but confirmed that this had not been sent to the FCA.
 - e. In response to Charlotte Palmer's queries regarding minutes of meetings relating to the decision to allow a plot to be used by a third party (Sonny the Snail charity), Ricky Kemp clarified that he had asked the committee, and because no money was taken and this was an up and coming charity, it was agreed they could have the plot. It was thought to be ok as there was also a plot for community use which had been similarly used for years. It was advised there had been meetings and that everyone was fine with this use, but it was confirmed there was no formal approval of a club decision, or minutes of meetings.
 - f. In response to Charlotte Palmer's query as to why no minutes had been submitted to her as requested, it was advised that some had been brought along to this hearing, but that the filing system was non-existent and they were not sure that they had everything, but they were doing their best.
 - g. In response to a query from interested parties as to whether more effort and time could have been put into better organisation, it was advised that the majority of committee members worked every day and they did not have much spare time. They did their best and held most things at

LICENSING SUB-COMMITTEE - 26.2.2020

weekends so people were given the opportunity to come in and sort things out. They collected money and held meetings at weekends. A lot of weekend time was spent trying to help the club.

6. The summary statement by Ellie Green, Principal Licensing Officer, that having heard from all of the parties it was for the Licensing Sub-Committee to consider the potential steps it may take, as set out in paragraph 4.14 of the report. Further guidance and policy was also set out in the report.
7. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that there was currently a lack of transparency in everything the club did. There were no published accounts, no AGM, no meeting minutes. It was alleged that the committee was self-elected and run, and there had been no evidence to contradict that. There had been ample time to meet the criteria for a qualifying club. It was the Licensing Authority's opinion that the club premises certificate should be withdrawn.
8. The summary statement on behalf of the interested parties, that the club disregarded rules and regulations. The rulebook had not been sent to the FCA, and accounts had not been filed, in breach of legislation. It felt like the club was not ready to make a difference in their organisation and this was quite concerning. The licence should be suspended until everything was satisfactorily sorted out.
9. The summary statement on behalf of PEDSA, that they could not apologise enough. At the moment things were moving forward. The committee did not elect themselves. They were all volunteers and trying to keep the club going. The clubhouse was where everybody met. They were asking for the club to be able to carry on. They would be able to submit evidence every three months if that was required as they were getting on top of things. If the certificate was taken away, everyone would lose out including all their members and the club would dwindle away.

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:

LICENSING SUB-COMMITTEE - 26.2.2020

“The Licensing Sub-Committee has taken into consideration all the representations both written and oral by the parties, and has determined that the Licensing Authority’s application for a review of the Club Premises Certificate on the balance of probabilities has been satisfied on the grounds of the prevention of crime and disorder.

The Licensing Sub-Committee has decided that the club has ceased to be a ‘qualifying club’ and that it no longer is being conducted in good faith pursuant to Section 62 and 63 of the Licensing Act 2003.

Revoking the club’s Premises Certificate means that any licensable activities will not be permitted on the club’s premises.”

3. The Licensing Sub-Committee resolved that it considers the withdrawal of the Club Premises Certificate appropriate for the promotion of the licensing objectives. The Licensing Sub-Committee resolved to withdraw the certificate.

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