

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 4 August 2021 at 10.00 am

Contact: Metin Halil
Committee Secretary
Direct : 020-8132-1296
Tel: 020-8379-1000
Ext: 1211
E-mail: metin.halil@enfield.gov.uk
Council website: www.enfield.gov.uk

PLEASE NOTE: VIRTUAL MEETING

Please click [HERE](#) to view the meeting or copy and paste the link below into your web browser:

<https://bit.ly/3hYJgZl>

Councillors : Doug Taylor (Chair), Mahmut Aksanoglu and Jim Steven.

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. MONTAGUE SUPERMARKET, 171 - 173 MONTAGU ROAD, EDMONTON, N18 2NA (Pages 1 - 42)

Application for a Review of premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 43 - 64)

To receive and agree the minutes of the meetings held on Wednesday 10 March 2021 and Wednesday 19 May 2021.

5. 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 2021/22 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
4 August 2021

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Montague Supermarket, 171 - 173 Montagu Road, Edmonton, N18 2NA</p> <p>WARD : Lower Edmonton</p>	

1 LICENSING HISTORY & CURRENT POSITION:

171 Montagu Road (LN/200501036)

1.1 On 9 August 2005 an application by Mr Suresh Patel to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.

1.2 On 10 December 2008 Mr Suresh Patel surrendered the Premises Licence.

171-173 Montagu Road (LN/200700571)

1.3 On 22 January 2008 an application by Mr Bulent Danisan for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.4 On 4 December 2008 an application by Mr Bulent Danisan for variation of the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.5 On 30 September 2009 an application by Mr Emrah Ozdil for transfer of the Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.

1.6 On 07/06/2010, premises licence LN/200700571 was reviewed by Trading Standards following an underage sale test purchase of alcohol was made from the premises. Conditions to strengthen the licence was applied.

1.7 On 19 April 2012 Mr Emrah Ozdil surrendered the Premises Licence.

171-173 Montagu Road (LN/201200258)

1.8 On 15 June 2012 an application by Mr Yilmaz Celik for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.9 On 6/11/2013, premises licence LN/201200258 was reviewed by the Licensing Authority following two underage sale test purchases of alcohol

was made from the premises within 3 months of each other. Conditions to strengthen the licence were applied.

1.10 On 27/09/2013 Mr Yilmaz Celik also became the Designated Premises Supervisor.

1.11 On 21/06/2016, a minor variation application by Mr Yilmaz Celik was issued. The minor variation was submitted at the request of the Licensing Authority following a seizure of illicit tobacco and spirits found at the premises. Conditions were added to strengthen the licence.

1.12 The current Premises Licence LN/201200258 permits:

1.12.1 Hours the premises are open to the public: 07:30 to 23:00 daily.

1.5.2 Supply of alcohol (off supplies only): 07:30 to 23:00 daily.

1.15 A copy of Part A of the current premises licence LN/201200258 is attached in Annex 1.

1.0 **THIS APPLICATION:**

2.1 On 9 June 2021 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201200258 and is produced in Annex 2.

2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that illicit tobacco have been sold from the premises, and on a further date, illicit tobacco was seized from the premises. This is not the first occasion illicit tobacco has been found at the premises. Furthermore, breaches of licence conditions are alleged to be breached, in particular in relation to the prevention of illicit tobacco being sold from the premises.

1.3 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.

3.0 **RELEVANT REPRESENTATIONS:**

3.1 No representations have been received in response to this review by Responsible Authorities, Other Persons or Mr Yilmaz Celik.

4.0 **PROPOSED LICENCE CONDITIONS:**

4.1 If the Licensing Committee is not minded not to revoke the licence in its entirety then the Licensing Authority recommends some amendments be made to the existing licence conditions. The full list of conditions arising from this application

is produced in Annex 3. Mr Yilmaz Celik has not indicated an agreement to these conditions.

5.0 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;

1.3.5 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:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

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 to the Public
Sunday	07:30-23:00
Monday	07:30-23:00
Tuesday	07:30-23:00
Wednesday	07:30-23:00
Thursday	07:30-23:00
Friday	07:30-23:00
Saturday	07:30-23:00
Non-Standard Timings & Seasonal Variations	

Location	Off Supply
Activity	Supply of Alcohol
Sunday	07:30-23:00
Monday	07:30-23:00
Tuesday	07:30-23:00
Wednesday	07:30-23:00
Thursday	07:30-23:00
Friday	07:30-23:00
Saturday	07:30-23:00

Non-Standard Timings & Seasonal Variations	
-------------------------------------------------------	--

Part 2

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

Name:	Mr Yilmaz Celik
Address:	[REDACTED]

Registered number of holder (if applicable):	Not applicable
-----------------------------------------------------	----------------

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

Name:	Mr Yilmaz Celik
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 Hackney

Signed: 

Date: 2 August 2021

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



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. 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.**

- 4. 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.**

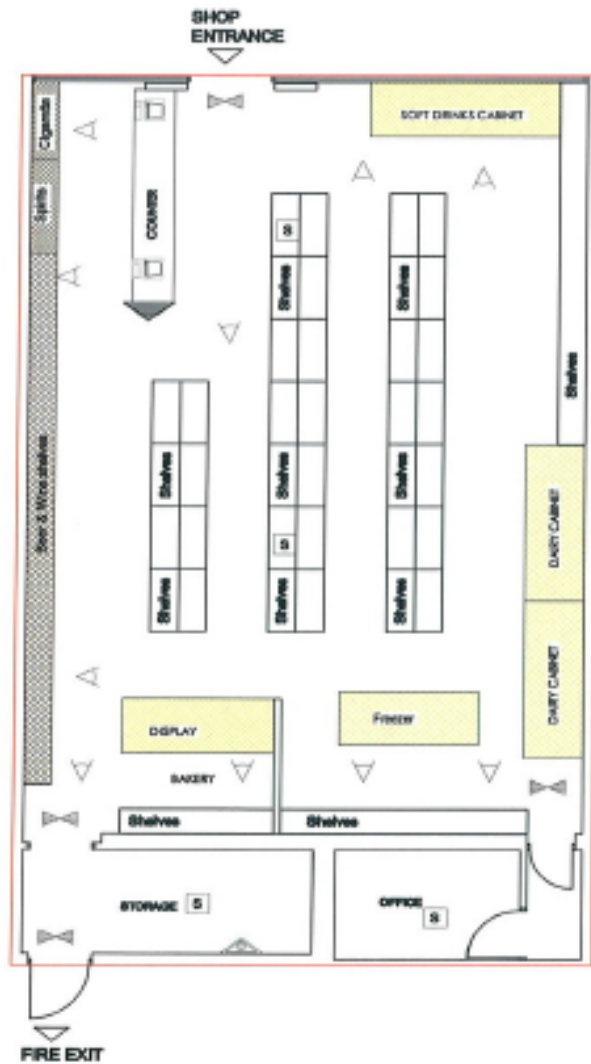
- 5. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.**
- 6. All training relating to the sale of alcohol and times and conditions of the licence shall be documented and records 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.**
- 7. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.**
- 8. 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.**
- 9. 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.**
- 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. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.**
- 13. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.**
- 14. 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.**
- 15. 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

16. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.

17. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

Annex 4 – Plans



GROUND FLOOR PLAN

LEGEND

- FRIDGES
- OFF LICENCE SHELVES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- S SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- CCTV

**CELIK S
MARKET LTD.** 171-173
MONTAGUE ROAD
LONDON
N18 2NA

**PROPOSED
GROUND FLOOR PLAN**

SCALE : 1/100@A4 DATE : 08/05/12

REF. NO : E080512

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.

**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 **Charlotte Palmer Senior Licensing Enforcement 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	
Montague Supermarket, 171 - 173 Montagu Road	
Post town	Post code (if known)
Edmonton	N18 2NA

Name of premises licence holder or club holding club premises certificate (if known)
Mr Yilmaz Celik

Number of premises licence or club premises certificate (if known)
LN/201200258

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 Charlotte Palmer, Licensing Authority London Borough of Enfield, PO Box 57 Civic Centre, Silver Street, EN1 3XH
Telephone number: 020 8132 2004
E-mail address: charlotte.palmer@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 Licensing 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.

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:

This premises was, until 20th April 2012 licensed to sell alcohol 24 hours a day. However, the licence was surrendered by the previous owner several months after the premises changed hands. This came to light in April 2012 when 38 bottle of counterfeit Jacobs Creek Wine were found at the premises and seized by Council Officers.

15/06/2012 - A new Premises Licence was granted to Mr Yilmaz Celik.

16/08/2013 – A licence review application was submitted (EVG) following two under age sales of alcohol and breaches of licence conditions. The application requested a change of DPS, suspension of the licence until full compliance had been demonstrated and a reduction in licence hours. All of this was done/agreed before the hearing. The decision notice is attached as **Appendix 1**.

27/09/2013 – DPS varied to Mr Yilmaz Celik.

03/06/2016 – Minor variation application submitted at the request of the Licensing Enforcement Team following the seizure of illicit spirits, hand rolling tobacco and cigarettes from the premises in November 2016. See **Appendix 2** for Licensing Enforcement letter recommending conditions be added to the licence. The letter included the following warning:

'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, the Licensing Authority shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance and or to prosecute you'.

10/03/2016 – Full licence inspection carried out (CPX). Training for one member of staff was due on 26/01/16 but had not been done despite him being one of the staff working at the time of the visit. Three other staff all due training on 11.03.16. UV light seen but it did not work - new batteries needed. Refusals book had 5 entries since 12.08.15 and the last one was on 18.01.16. Incident book last used on 07.09.15.

21/04/2016 – Illicit tobacco test purchase attempted – no sale.

22/07/2016 – Police Licensing Officer (MFX) carried out a full licence inspection. Compliant.

30/08/2017 – Complaint received alleging that the premises sells non-duty paid cigarettes.

30/04/2018 – Illicit tobacco visit – compliant.

25/07/2018 – Complaint from customer who alleged they purchased tobacco from the premises, the wrapper was different to the usual one and the tobacco tasted different too. The complainant later advised that they had found out that the brand packaging has been changed and was not fake.

27/08/2020 – Complaint alleging that the premises sells counterfeit cigarettes.

10/09/2021 – A cigarette test purchase was carried out. A packet of 20 Silk Cut Purple cigarettes was purchased and sent for testing to see if they were counterfeit or not. The tobacco brand representative confirmed that the cigarettes were genuine. The complainant was notified of the outcome of the investigation and went on to advise officers that the illicit cigarettes are sold from the back of the premises and that the premises was using a child with learning difficulties to deliver them.

30/03/2021 – As part of Operation CeCe (a HMRC funded national project aimed at tackling the sale of illicit tobacco) a test purchase volunteer visited the premises and asked if they sold 'cheap' cigarettes. They were sold a packet of non-duty paid Marlboro Gold for £7.50. See **Appendix 3a-b** for officer statement and notes from the visit. See **Appendix 4** for a photo of the evidence bag.

29/04/2021 – Trading Standards Officers (AB/CW) visited the premises with a dog handler and sniffer dog to check for illicit tobacco as part of Operation CeCe. The following non-duty paid items were found in a store room at the back of the premises and seized:-

1128 packets of 20 Cigarettes: -

341 packets of 20 Marlboro Touch
313 packets of 20 Marlboro Touch Blue
265 packets of 20 Parliament Light Blue
184 packets of 20 Marlboro Red
25 packets of Marlboro Gold

160 pouches (50g) of Hand Rolling Tobacco: -

89 pouches (50g) of Golden Virginia
71 pouches (50g) of Amber Leaf

See **Appendix 5** for photos and **Appendix 6** for paperwork.

The illicit tobacco sale and illicit tobacco seizure demonstrates potential breaches of the following licence conditions:

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.

14. 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.

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

13/05/2021 - Enforcement Officers (CLB/DD) visited the premises and carried out a full licence inspection. Condition 4 - poster needed to be moved to somewhere it could be seen. Condition 16 – Incident book required. Advised no proof of annual fee payment had been received by the Licensing Team – must provide this. The officers discovered that the premises licence holder's home address had changed but this had not been changed on the licence. Given 7 days to comply. See **Appendix 7**.

19/05/2021 – Senior Licensing Enforcement Officer (CPX) phoned the premises licence holder and left him a voicemail advising that he must not sell alcohol until the annual fee is paid and proof provided. The annual fee should have been paid by 15/06/2020. The officer also advised that he must update his home address details formally and pay £10.50 for an updated licence. They also advised that he needed to update his personal licence with the borough who issued it. The officer requested that he email the officer evidence that the outstanding licence conditions were now being complied with. They advised that the Premises Licence would be reviewed as a result of the illicit tobacco that was seized and that it was in his interest to get all of these matters in order.

20/05/21 – Outstanding annual fee paid.

21/05/21 – Out of Hours Licensing Enforcement Officers (EVG/JI) carried out a licence inspection revisit. The poster still needed to be repositioned. Incident book seen – kept in back office. Officers advised that it should be kept near the till so it was easier for staff to complete. See **Appendix 8** for inspection report.

25/05/21 - Email sent to the Premises Licence Holder advising that he needed to formally notify the Licensing Team of his change of address and how to do so. See **Appendix 9**.

01/06/2021 – Premises Licence Holder address updated with Licensing Team.

Trading Standards have commenced prosecution proceedings against the premises licence holder and manager in relation to the most recent illicit tobacco sale and seizure. A formal interview under caution is scheduled for July 2021.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (April 2018) (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.

The Licensing Authority is of the opinion that given the large volume of cigarettes and hand rolling tobacco seized it is appropriate to recommend that this licence be revoked.

The Premises Licence Holder was warned previously that should further similar offences be committed at the premises, the Licensing Authority would take immediate action in order to have the premises licence permanently revoked, as recommended in the Home Office guidance. This does not appear to have deterred them.

If the Licensing Committee is not minded not to revoke the licence in its entirety then the Licensing Authority would recommend the following updates be made to the licence conditions:

Current Conditions:

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. 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.

4. 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.

Update to:

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.

5. 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.

6. 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.

7. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

8. 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.

Update to:

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

9. 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.

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. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.

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

14. 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.

15. 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

16. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.

17. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

The Licensing Authority reserves 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 Yes the Licensing Authority has

If yes please state the date of that application

Day Month Year
1 6 / 0 8 / 2 0 1 3

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

2012 – New application applied for – conditions recommended.
 2013 – Review (EVG) following under age sales.
 2016 – Minor variation submitted at officers request to strengthen licence conditions.

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: 9th June 2021

Capacity: Senior Licensing Enforcement 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.

This page is intentionally left blank

**LONDON BOROUGH OF ENFIELD LICENSING AUTHORITY
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
DECISION NOTICE**



LICENSING SUB-COMMITTEE – 6 NOVEMBER 2013

Application was made by the **LICENSING AUTHORITY** for a review of the Premises Licence held by **MR YILMAZ CELIK** at the premises known as and situated at **MONTAGUE SUPERMARKET, 171-173 MONTAGU ROAD, EDMONTON N18.**

The Licensing Sub-Committee **RESOLVED** that it considers the following step to be appropriate for the promotion of the licensing objectives : to modify the conditions of the licence in accordance with the agreement reached between the Licensing Authority and the licence holder on 31 October 2013.

Date Notice Sent : 06 November 2013

Signed

Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343



1914 - 1918



Mr Yilmaz Celik



Please reply to: Charlotte Palmer
Licensing Enforcement
B Block North, Civic Centre,
Silver Street, Enfield, EN1 3XA

E-mail : Charlotte.palmer@enfield.gov.uk

Textphone : 020 8379 4419

My Ref : LN/201200258

Your Ref :

Date : 16th May 2016

Dear Mr Celik

**The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002
Consumer Protection Act 1987
Licensing Act 2003**

Montague Supermarket, 171 - 173, Montagu Road, Edmonton, N18 2NA - LN/201200258

I write to you as the current premises licence holder and designated premises supervisor of the above named business.

On 10th November 2015 your premises was searched for counterfeit and non-duty paid alcohol and tobacco by Trading Standards and HMRC officers. Spiritis, hand rolling tobacco and cigarettes were seized from the premises.

The tobacco and cigarette packets had foreign labelling. They were not subject to UK duty and did not bear the 'UK DUTY PAID' labelling. Also the required warning label such as: smoking harms you and others around you was in a foreign language. The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which require English warnings were thus contravened, amounting to a criminal offence under the Consumer Protection Act 1987.

The Department for Culture, Media and Sport (DCMS) Guidance (11.27) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale or storage of smuggled tobacco and alcohol.

Ian Davis
Director – Regeneration & Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

DCMS 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.

Consequently, the Licensing Authority is considering reviewing the premises licence. The Licensing Authority believes that additional conditions need to be added to the premises licence to strengthen the licensing objectives.

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

Enclosed is a document showing suggested amendments to the conditions.

If you agree to apply for the minor variation please do so by Monday 30th May 2016. A minor variation application form is enclosed.

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

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

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

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given please contact me via email:

charlotte.palmer@enfield.gov.uk

Yours sincerely

Charlotte Palmer
Senior Licensing Enforcement Officer

cc: Mr Yilmaz Celik, Montague Supermarket, 171 - 173 Montagu Road, Edmonton, N18 2NA

Montague Supermarket, 171 - 173, Montagu Road, Edmonton, N18 2NA

Amended / additional conditions to be added to premises licence LN/201200258

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. 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.

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. 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.

8. 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.

9. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

10. 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.

11. 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.

12. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.

AMEND TO:

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

13. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.

AMEND TO:

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.

14. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.

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

15. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.

16. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

Add the following conditions:

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

- 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.

Report No: 1

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)***STATEMENT OF Neil Zoff
Employed by (Red Snapper Managed Services)****Age of Witness
(If over 18 enter "over 18") Over 18****Occupation of Witness Test Purchase Consultant**

This statement (consisting of 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

On the 30th of March 2021, I was tasked to purchase packs of tobacco and cigarettes from the shops in Enfield.

I was provided with the list of premises and the address by Trading Standards. I was tasked to go and buy items thought to contain illicit tobacco from these premises.

Around 11:38, I got out of the car and went to the first shop Montague Supermarket located at 171-173 Montague Road.

After entering the store, I told the seller that I wanted a pack of cheap cigarettes, and he told me that it cost a total of £7.50, was handed 1 pack of Polish Marlboro Gold. Whilst I was in the store, I also purchased a 0.5L bottled water and 1 pack of baked rolls.

I gave him £10 and he gave me the remaining £ 1.20 in change.

Seller's description and the location of the cigarettes:

Male, around 35 year's old, brown hair, around 6ft tall, fat, wearing a dark shirt.

He gave me the cigarettes reaching from the right side under the counter.

At 11:44 I returned to the car and later at 11:46 the Polish Marlboro Gold cigarettes were put in the evidence bag 02199267. I exhibit this as NZ/1.

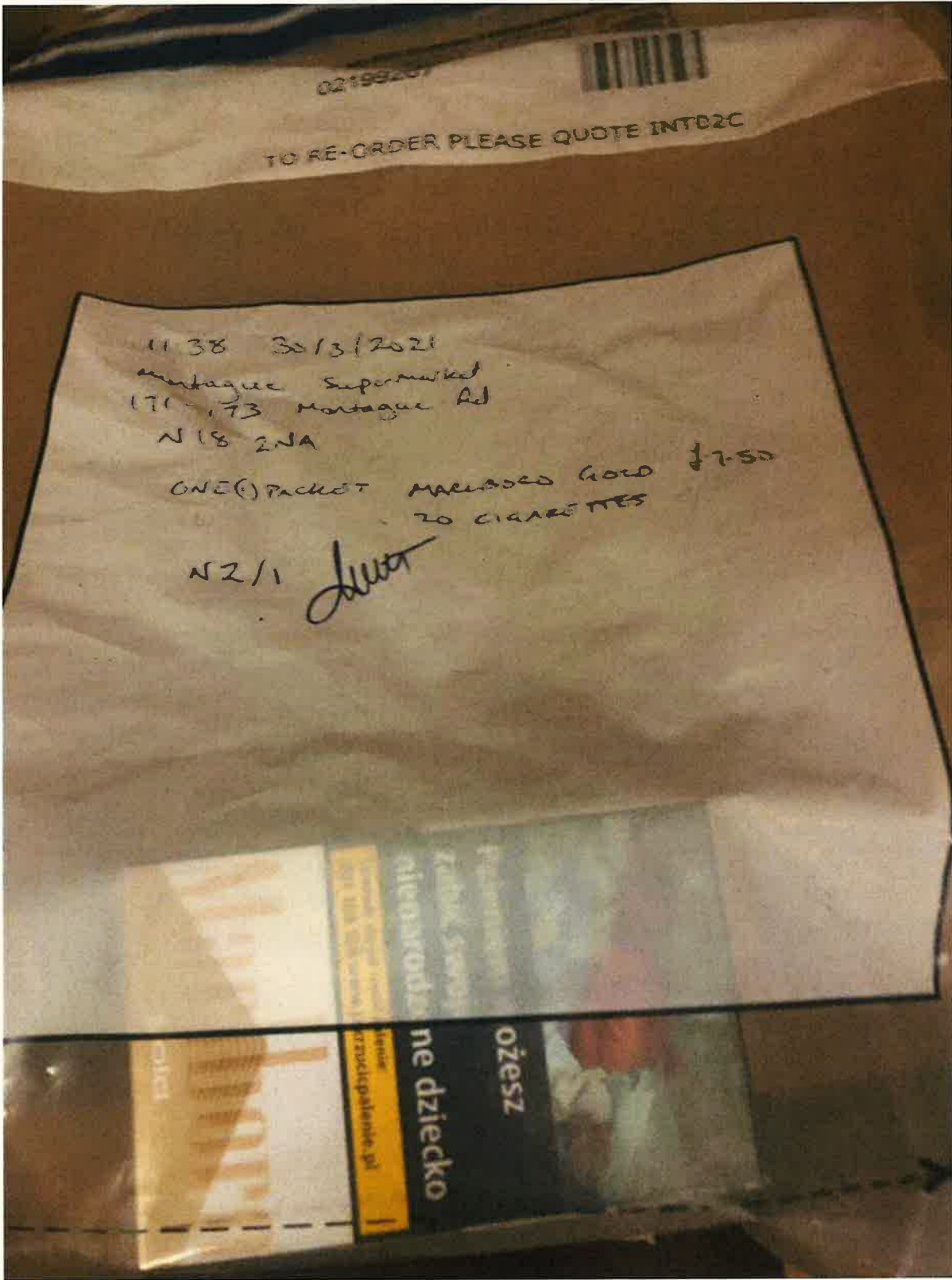
Prior to completing this statement, I completed a Test Purchase Completion Form outlining the key details contained above in this statement. I exhibit this form as NZ/2

Signed:

Neil Zoff
Signed by: Neil Zoff
Date & Time: 13 May, 2021 13:28:44 BST

Date: 13/05/2021

TRADING STANDARDS TOBACCO TEST PURCHASE OPERATION		
1	Date of visit:	30/03/2021
2.	Time of visit:	11:38
3	Premises Name:	Montague Supermarket
4	Premises Address:	Montague Road 171-173
5	What did you ask for?	Cigarettes, and something cheaper
6	What was said in response?	Marlboro gold polish
7	Description of seller?	Male, around 35 year old, 6 ft tall, brown hair and brown beard.
8	Tobacco item purchased:	Marlboro gold polish
9	Was any other item purchased with the tobacco? Details:	0.5 liter water, bake rolls
10	Exhibit Reference given to Tobacco purchased:	NZ/1
11	Bag / Seal Number:	02199267
12	Price charged for the tobacco item:	7.50£
13	Method of purchase; cash, card etc?	Cash
14	Where was tobacco obtained from?	Under the counter
15	If there were other customers present did you see them purchase illicit tobacco -yes or no?	No







REF: WK/220088048

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Montague Supermarket	
Premises Address	171-178 Montagu Rd N18 2NA	
Time of Visit:	Start: 19.50	Finish: 20.15

During an inspection of your premises on 13/5/21 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 62 Elderbeck Ave
 Chestnut EN7 6HT

No. of condition not in compliance	Evidence/Advice
C4	Drinking Control Area sign needs to be moved to location it can be seen
C16	An incident book shall be used to record all instances of public disorder

Any other matter(s) that need addressing:
 Please email proof of payment of premises licence annual fee for 2020 and this year 2021.

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>CL</i>	Signature: <i>[Signature]</i>
Print Name: CHARLES LEBESQUE	Print Name & Position: MR YILMAZ CELIK
Email/Tel: 0208 379 3688 charles.lebesque@enfield.gov.uk	Email/Tel: [Redacted]

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



REF: WK/220088048

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Montague Supermarket	
Premises Address	171-173 Montague Road, N18 2NA	
Time of Visit:	Start: 21.35	Finish:

During an inspection of your premises on 21 May 2021, 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
	PSPO / Drinking control poster still needs making so customers see it on way out.
	Request a copy of PSPO poster from Charlotte*
	Incident book seen, kept in back office.
	Advised to keep next to till so can be completed by staff. Last entry 2020 (April)
	Infrequent entries, first entry 4/9/13, 8 entries total.

Any other matter(s) that need addressing:

Advised staff and customers must wear masks. All customers entered without wearing a mask and were unchallenged by staff. Spoke to PLH on phone during visit, has paid 2020 a fee will pay 2021 on time - a fee form issued. Will update personal licence address then update DPS address.

You are required to have the above matters attended to within 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: Ellie Green Jayna Islam	Signature:
	Print Name & Position: Mr Ali Karakurt
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/>



Charlotte Palmer

From: Charlotte Palmer
Sent: 25 May 2021 14:56
To: [REDACTED]
Subject: Montague Supermarket, 171 - 173, Montagu Road, Edmonton, N18 2NA.

Dear Mr Celik,

I write in relation to the Premises Licence for the above named premises.

It has come to our attention that your residential address has changed.

Under the Licensing Act 2003, you have a legal responsibility to give written notification to the Licensing Authority of any such change.

There is also a £10.50 fee payable for updating and reissuing the licence.

You legally must also notify the borough which issued your Personal Licence of this change.

It is an offence not to do so and this could result in a prosecution.

Please email licensing@enfield.gov.uk to formally notify them of your change of address together with the proof of payment of £10.50.

If you require any further information, please do not hesitate to contact the licensing team on 0208 379 3578 or via licensing@enfield.gov.uk

Kind Regards

Charlotte Palmer
Senior Licensing Enforcement Officer
Environment & Operational Services
Place Directorate, Enfield Council
Silver Street, Enfield, EN1 3ES

E: Charlotte.palmer@enfield.gov.uk
T: 0208 132 2004

Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.



We can help control the virus if we all STAY ALERT

- Stay at home as much as possible
- Keep your distance if you go out (2 metres apart where possible)
- Work from home if you can
- Wash your hands regularly
- Limit contact with other people

And if you or anyone in your household has symptoms, you all need to self-isolate.

STAY ALERT > CONTROL THE VIRUS > SAVE LIVES

This page is intentionally left blank

Annex 3

Proposed Conditions Arising from the Review Application

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. 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.
4. 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.
5. 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.

6. 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.
7. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.
8. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
9. 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.
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. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.
13. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.
14. 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.
15. 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

16. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.
17. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

LICENSING SUB-COMMITTEE - 10.3.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 10 MARCH 2021**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Maria Alexandrou

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Dina Boodhun (Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

Also Attending: Mark Walsh and Eimear Walsh, Celtic Cross Ltd (Applicant)
George Domleo, Flint Bishop Solicitors, on behalf of the applicant
Interested Parties (referred to as IP1, IP3, IP5, IP6, IP8, IP14 and IP17) on behalf of local residents objecting
Councillor Derek Levy, Southgate Ward Councillor (SUP02)

1**WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. Officers, applicants and representative, and IP 1, 3, 5, 6, 8, 14 and 17 and SUP02 confirmed their presence. The Chair explained the order of the meeting.

2**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of the item on the agenda.

3**THE WINCHMORE PUBLIC HOUSE, 235 WINCHMORE HILL ROAD, LONDON N21 1QA**

RECEIVED the application made by Celtic Cross Limited for the premises situated at The Winchmore, Public House, 235 Winchmore Hill Road, London, N21 1QA for a Variation of Premises Licence LN/201500123.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:

LICENSING SUB-COMMITTEE - 10.3.2021

- a. The application was for a variation of premises licence LN/201500123, made by Celtic Cross Limited for the premises The Winchmore, 235 Winchmore Hill Road, London N21 1QA.
 - b. This premises had been operated as a bar / pub / restaurant / function room for a number of years. It had a significant licensing history, but under former licence holders. There had not been licensing issues under the current licence holder, who had been in place since June 2015. The Designated Premises Supervisor (DPS) remained the same: Mark Walsh. The Company Directors were Mark Walsh and his sister Eimear Walsh.
 - c. The original application in Annex 2 of the report had recently been amended as the applicants had tried to address the representations. The first supplementary report set out the hours applied for in Table 2. These times and activities were to be referred to in this hearing. The application sought a one hour extension for live and recorded music on Friday and Saturday, and an extension of hours on Sundays that preceded all Bank Holiday Mondays.
 - d. The original application had initially been subject to representations from the Metropolitan Police and from the Licensing Authority, both seeking modification of licence conditions. Those conditions had been agreed by the applicant and the representations were consequently withdrawn. The agreed proposed conditions were set out in Annex 5 of the report.
 - e. The application attracted 19 representations in objection from local residents (set out in Annex 3 of the report), and 2 representations in support from a ward councillor and a local resident (set out in Annex 4).
 - f. Since IP13 had withdrawn their representation following the amendments to the application this objection should no longer be considered. The other 18 representations in objection remained. These residents lived on Winchmore Hill Road, Houndsden Road, and Church Hill.
 - g. It was for the Licensing Sub Committee (LSC) to consider whether the application supported the four licensing objectives.
 - h. The applicant was represented by Flint Bishop Solicitors and both company directors.
 - i. Apologies had been received from IP4. Notification had been received from most of the IPs that their representations remained to the amended application, but even without such notification the LSC must consider those original representations.
 - j. Councillor Derek Levy (ward councillor) was in attendance as SUP02 in support of the application.
 - k. It was confirmed that not living locally did not prevent submission of a representation of support.
2. The statement of George Domleo, Solicitor, on behalf of the applicant, including:

LICENSING SUB-COMMITTEE - 10.3.2021

- a. It was acknowledged this premises had a background history, but his client had been the premises licence holder and DPS since 03/06/15.
- b. The premises was a community pub with an extensive food and drink offering. Time and money had been invested to make it a success and an asset to the area. It hosted a regular book club and supported the Rotary Club of Edmonton.
- c. Conditions requested by the Licensing Authority and the Police were agreed and their representations were subsequently withdrawn so there were now no representations from Responsible Authorities.
- d. There were representations from local residents. A number referenced car parking and allegations that customers parked in surrounding roads. This was not a material consideration under the Licensing Act. There were also references to customers gathering in numbers outside, with photos and video footage from June 2020. This was when the premises offered take away service during Covid restrictions. During those times, the premises was working within government guidelines, but the situation was new to everyone. Staff were continually going outside the premises to clear up. The premises was busy selling take away pints and there was a different clientele. It was likely those customers would not return and the premises would go back to normal use. That had been a different period and was very much an isolated occasion last summer. It was likely that Responsible Authorities would have made representation if they considered there would be similar issues in future.
- e. Having heard residents' concerns, the application was subsequently amended to affect Sunday hours only on days before a Bank Holiday Monday. This would provide more flexibility to the premises. Many pubs similarly operated an extra hour on those dates. One resident had subsequently withdrawn their representation, and IP10 no longer objected to these Sunday extensions.
- f. The application was not seeking to trade longer or stay open later on Fridays and Saturdays.
- g. The current licence conditions would be replaced by the agreed set of conditions set out in Annex 5 of the report.
- h. Additional information to support the application set out over pages 25 to 30 was highlighted, with many supportive comments and donations showing the pub was an integral part of the local community.
- i. There were two formal representations of support for the application, including from the ward councillor. It was a great tribute to Mark and Eimear Walsh and all they had achieved as licence holders. The premises had a chequered past, but since 2015 there had been no issues. It was evident that since the latest licence holders took over they had created a community hub for everyone to enjoy and which supported the licensing objectives.
- j. There would be no change of concept of the premises. It would continue to trade for the local community. There would be great food and beverage offering, giving a home from home experience. Work with charities would continue.

LICENSING SUB-COMMITTEE - 10.3.2021

k. In the case of any noise issues, there were powers available including licence reviews and abatement notices.

l. The LSC should support the business's right to operate. In the current circumstances this was more critical than ever. The premises promoted the licensing objectives and the licence holders knew what they were doing. This was a sensible proposal and the premises should be allowed to flourish.

m. Eimear Walsh confirmed that she backed everything in the solicitor's statement. She and Mark acknowledged there were residents close by and made themselves available all the time for the residents, with mobile numbers provided to enable them to make contact. They were trying to take actions to prevent the business going under, and were working with the Council and within the licensing objectives.

3. The applicants and representative responded to questions as follows:

a. In response to Councillor Alexandrou's queries regarding how potential nuisance from customers and from music would be controlled, the agreed conditions were referenced including keeping external doors and windows closed during regulated entertainment, and making regular boundary noise checks and keeping records. It was advised that neighbours could contact the licence holders and that any issues would be addressed straight away.

b. In response to Councillor Hamilton's query regarding customers drinking outside in the street and causing nuisance, it was advised that the photos and video were from the time when the premises was closed but able to trade in take away beer last summer. There was no evidence of similar issues before lockdown. Those were not normal circumstances. The premises did not have security staff on the door because there was no trouble. There was no condition on the licence requiring door staff. This was a community pub which was family friendly. The staff asked customers to respect the neighbours. The premises wanted local residents to come in, and it worked well with the local community.

c. In response to queries from the Chair, it was confirmed there was no requirement to keep an incident log within the existing licence conditions. If there had been incidents, action would have been taken. They were not aware of any incidents however, and if there had been any issues the Police would have made representation in respect of this application. Mark Walsh confirmed they had never had trouble on this site.

d. IP5 queried the statement there had never been incidents at the premises, highlighting the photos taken last summer and that lots of local residents had been afraid to leave their homes. They wanted no repeat of this, and feared that similar customers may be attracted to the pub.

e. IP14 asked in respect of offering later music and likely parties in the function room, whether the staff would be able to police multiple amounts of customers and everyone leaving at the same time late at night. It was confirmed that the pub had a policy in place in respect of people leaving, and that opening times would remain the same regardless of the music

LICENSING SUB-COMMITTEE - 10.3.2021

played. People would be leaving at the same times as they had for the previous six years. The staff were able to control this. There was already a condition for a dispersal policy. It was advised that this policy included the requirement for signage asking people to respect neighbours and leave quietly, that taxis be asked to pull into the car park, that staff patrolled outside areas and moved people on, and that the gate was locked once everyone had left.

f. In response to IP17, confirmation was given that the DPS understood their responsibilities and the potential problems that came with selling alcohol, and also their responsibilities under the licensing objectives.

g. In response to IP17's queries regarding the aims of the variation and the business plan, it was advised that nothing had changed in the business plan. They wanted to add value to the community, and to give customers a good experience and a good product range. Approval of the variation would provide an increased degree of flexibility for the business. In response to a further query whether the reason for the application was to increase profit, it was advised that it would add value, but the business was not making profit and was in debt.

h. In response to IP17's query whether approval of the variation would likely attract a younger client base and increased anti-social behaviour, this was advised as not the case.

i. IP17 asked whether the evidence within the representations was disputed. It was clarified by the applicant that they were putting their case forward and believed that the premises promoted the licensing objectives, and it was for all parties to put their case and for the LSC to make a decision.

j. The Chair gave a reminder in respect of confining questions to material licensing considerations, and a recommendation to summarise all remaining questions together if possible.

k. In response to IP17's query in respect of Enfield's public space protection order designation, it was confirmed that this was covered under Condition 18 of the licence.

l. In response to IP1's queries in respect of the outside space, it was clarified that they could not make more space outside, but wanted the extra hour applied for. There was no change proposed to the business concept outside, and the premises would continue to trade as before.

m. IP1 queried statements that there had been no incidents or issues raised, being aware of multiple emails from residents to the Council's noise team in respect of music volume, and occasions when the Police had been called out. It was advised that there was not evidence in the agenda pack, that the applicants were not aware of those emails, and that the Police had not submitted an objection. The Chair confirmed that all the written representations in objection to the application would be taken into consideration.

4. The statement of IP14 on behalf of the local residents making representation, including:

LICENSING SUB-COMMITTEE - 10.3.2021

- a. There were good reasons why this application should not be permitted.
- b. There had been concerns about the volume of music at the premises over a number of years. The building was not sound-proofed. The noise could be clearly heard within 100 yards of the pub.
- c. Local residents were entitled to a decent night's sleep. If they were unable to sleep before midnight that would be unfair. An extra hour of music would be problematic and cause a lot of distress. There were a lot of families and young children living close to the premises who would be affected.
- d. This area was generally quiet after 7:00pm, which meant that loud music could be noticed more clearly.
- e. It was considered the application was not properly advertised. A lot of local residents were not aware of the proposal. The sign was in the window of a closed pub during a time people were asked to stay at home. The applicants should have approached the local residents directly, and acted on their concerns. At a time when everyone was suffering in the pandemic, this left a bad taste and atmosphere of mistrust.
- f. Last year's anti-social behaviour could not be ignored. It went on for two months. The extended music applied for would act as an extra attraction to this clientele.
- g. All activities would finish at the same time. It was not considered there was an adequate dispersal policy in place to cope with the customers. The local residents had suffered verbal abuse from people leaving late at night from the pub and people affected by alcohol. The proposals would lead to a bottleneck with people leaving the pub at the same time around 1:00am.
- h. The issues were emotive. If this was a local pub it had to act for the community. These proposals were a step too far. Residents asked that they were listened to and that music was not permitted past 11:00pm.
- i. IP17 added that it was considered this application was based purely on financial considerations. If granted, it would change the client base to become a young persons' drinking and music establishment as opposed to a community pub. The operators had not demonstrated an ability to control matters.

5. The IPs responded to questions as follows:

- a. Councillor Alexandrou asked about when local residents had contacted the licence holders; if dialogue had been effective and that action been taken in response. IP14 confirmed that the contact they had was on the basis that the residents were listened to and there would not be any application for a late licence. There had been meetings in the pub where residents expressed that late night music would be disturbing. The residents understood the financial difficulties, but felt that this extension of music would have a terrible effect on them. IP1 advised that they had made calls to the pub when disturbed by music, but had never spoken to Mark or Eimear Walsh who had never been there at the time. Staff had always been friendly and given assurances that the music would soon be

LICENSING SUB-COMMITTEE - 10.3.2021

finishing. They had been able to bear the music until 11:00pm, but an extra hour of noise disturbance would make a big difference.

b. Councillor Levy highlighted additional steps to be taken by the applicant to promote the licensing objectives and asked if they were considered appropriate and proportionate, and whether specific additional conditions were sought. It was confirmed by IPs that neighbouring residents objected to any music beyond 11:00pm as intolerable, and that the premises' attraction as a party venue would increase, and large numbers of people would be leaving at the same time. The music could be heard from outside the premises as there was no sound-proofing and the noise escaped when customers used the door. The pub already had issues with noise and an extra hour of music would be a nuisance to local people.

c. In response to Councillor Levy's query whether local residents had applied for the licence to be reviewed, it was advised that the noise had been an ongoing issue for residents for a number of years but they had not known about the review process and had lived with the disturbance. However, they may apply for a review having now realised it was a possibility.

6. The statement in support from Councillor Derek Levy, SUP02 (Southgate Ward Councillor) including:

a. He recognised this was an emotive issue, but was clear in his support for this application.

b. It was the LSC's remit to consider whether the application demonstrated sufficient steps to promote the licensing objectives.

c. There was nothing in the agenda pack to evidence a history of noise issues.

d. The applicant was aware of their responsibilities and had operated the licence in an exemplary way.

e. He heard what was said by objectors, but much was conjecture and speculation.

f. The premises had a history of problems when it was The Willow, but for the past six years had been under this management and there had not been any application to review their licence. There was no compelling evidence against the licence holders and their steps to operate and manage the licence.

g. In respect of a licensing application, it was incumbent on the applicant to show they were taking all steps of mitigation. This was a minor variation in a popular community-oriented pub. It was for the LSC to consider if the steps were appropriate and if the conditions were strong enough to prevent potential worst excesses. Now the residents knew they were in a position to call a review of the licence, but today's hearing was to consider this variation and most of the evidence was very general and not of sufficient weight to challenge what was sought.

h. In his view, Mark and Eimear Walsh were the epitome of responsible licence holders and the application should be granted in full.

LICENSING SUB-COMMITTEE - 10.3.2021

7. Councillor Levy responded to questions as follows:

a. In response to Councillor Alexandrou's query whether the other ward councillors for Southgate supported this application, Councillor Levy advised that he had been contacted by one fellow ward councillor who had initial reservations. Councillor Levy had shared his views and explained his knowledge of licensing and of this premises, and this had allayed the concerns and no objections were raised.

b. In response to further queries whether as a ward councillor for Southgate, Councillor Levy had received any objections against this premises, he confirmed he had never had any objections to do with this premises before reading the bundle in this hearing agenda. Also, as previous Chair of Licensing Committee he never received anything from residents around The Winchmore.

c. In response to IP14's query that he had disputed that local residents could hear music from the pub, Councillor Levy advised that he was not in a position to dispute that and he had just made the point that he had never received any representations from residents until today. Also, Responsible Authorities had not brought any evidence that they had sufficient concerns.

d. In response to further queries regarding now having heard how the nuisance would be exacerbated after 11:00pm, Councillor Levy advised that he had highlighted there were additional conditions on the licence being proposed and these were agreed with the Responsible Authorities. It was incumbent on the licence holder to take preventative actions. There were reasonable steps being taken to minimise the risks. No one had objected to the proposed conditions.

e. In response to IP1's queries why objections had been labelled as based on presumption when long term residents had made numerous complaints to the Council's noise team, Councillor Levy referred to the balance of evidence and that the applicant had put forward steps they would take to promote the licensing objectives. He was fully satisfied the measures were appropriate and proportionate. It added weight that the Responsible Authorities had not provided evidence or concerns that the application should not be granted.

f. In response to further queries that objections were based on past experience that the licence holders could not control noise up to 11:00pm and could not therefore be expected to be controlled up to 00:00am, Councillor Levy considered the licence holders had taken reasonable steps in the application, as they had in the past, and that there was a lack of evidence from the past.

g. A question on the consultation process was directed to the Principal Licensing Officer. It was clarified that the Licensing Act dictated how an application was advertised. It required a blue notice on the front of the premises displayed for 28 consecutive days and an advertisement in a local newspaper. There had been no amendments to the regime. The Licensing Team was satisfied that the criteria were met in this case. It was also confirmed that ward councillors were copied in to all licensing applications in their ward.

LICENSING SUB-COMMITTEE - 10.3.2021

8. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.
9. The summary statement from the IPs that they were wholly against this variation application in a quiet local area. They believed the pub's atmosphere would become more like a nightclub and local residents would be made to suffer on Friday and Saturday until 01:00am. Nothing at the hearing had changed their view that the licence holders would not be able to control the situation at the pub. The residents' rights to a family life and peaceful enjoyment of their properties would be undermined. Long-time residents were clear that noise was an obvious issue. The premises had no sound-proofing and there was no commitment to put any in. What happened after closing time was also an issue as customers created disturbance well after then and this would be extended at weekends.
10. The summary statement of Councillor Levy that the applicant had taken reasonable steps in promotion of the licensing objectives. The evidence was that this premises was a community pub, and there was nothing to suggest it would be like a nightclub. He believed the case in favour had been fully made out and he supported the application in full.
11. The summary statement on behalf of the applicant that it was acknowledged this was an emotive topic. An additional condition was offered that a telephone number for the DPS or manager of the premises be given to any resident on request to allow complaints to be made directly when the premises was open, and a record would be kept of calls and action taken, and this would be made available to the responsible authorities. However, this was not an application for a late licence and there would be no change in concept or clientele at the pub, but the variation would give them more flexibility. There was no record of nuisance. Last summer had been an unprecedented time. That two month period should not determine this decision. Mark and Eimear Walsh were good operators and all the conditions showed they would continue to promote the licensing objectives. They wanted a positive relationship with local residents and there should be no issues, but objectors did have powers to take action. Eimear Walsh added that she had sent emails to the residents she knew and that she tried to run the business with both her head and her heart. The extra hour for music would help the business slightly but would not change the customer clientele. She did not want the pub to change, and she would continue to work with the local 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

LICENSING SUB-COMMITTEE - 10.3.2021

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 Chair made the following statement:

“The Licensing Sub-committee has attentively listened to and considered the written and oral representations made by the applicant, the applicant’s representative and the local residents, IP1 to IP19 (except IP13) and those in support of the application, SUP01 and SUP02 (Cllr Derek Levy councillor for the ward). The Licensing Sub-Committee has made a decision: To grant the application for the licence variation in part, with the below conditions and amended times.

The Licensing Sub-Committee has also taken into account statutory guidance and the Enfield Licensing Policy Statement in making its decision to amend the hours set out in the application in particular paragraphs 8.4 and 12 Special Factors for Consideration and it has made its decision to promote the four licensing objectives 1) Prevention of crime and disorder 2) Public Safety 3) Prevention of Nuisance and 4) the Protection of children from harm. The Licensing Sub-Committee has welcomed and acknowledged that the applicant has agreed to a number of conditions to mitigate issues moving forward.”

3. The Licensing Sub-Committee resolved that the application be **GRANTED IN PART.**

(i) Licensing Hours and Activities:

Opening hours	Sunday to Thursday 09:00 to 23:30 Friday & Saturday 09:00 to 00:30 NO SEASONAL VARIATION
Supply of alcohol (on and off)	Sunday to Thursday 10:00 to 23:00 Friday and Saturday 10:00 to 00:00 NO SEASONAL VARIATION
Plays (indoors)	Friday & Saturday 09:00 to 00:00 (no change)
Live Music (indoors)	Sunday to Thursday 09:00 to 23:00 Friday & Saturday 09:00 to 23:30 NO SEASONAL VARIATION
Recorded Music (indoors)	Sunday to Thursday 09:00 to 23:00

LICENSING SUB-COMMITTEE - 10.3.2021

Friday & Saturday 09:00 to 23:30
NO SEASONAL VARIATION

(ii) Conditions (in accordance with Annex 5):

Conditions 1 to 18

**4
MINUTES OF PREVIOUS MEETINGS**

AGREED the minutes of the meetings held on Wednesday 14 October and Wednesday 21 October 2020 as a correct record.

This page is intentionally left blank

LICENSING SUB-COMMITTEE - 19.5.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 MAY 2021**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Derek Levy

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane(Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

Also Attending: Gavin Tresidder, Director of Future Leisure Ltd (Applicant) Andrew Woods of Andrew's Law firm, on behalf of the applicant
Interested Parties (referred to as IP1, IP4 and IP5) on behalf of local residents objecting
Councillor Doug Taylor (Observing).

1

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. Officers, applicants and representative, and IP 1, 4 and 5 confirmed their presence. The Chair explained the order of the meeting.

Councillor Doug Taylor was also attending the hearing as an observer.

2

DECLARATION OF INTERESTS

NOTED there were no declarations of interest in respect of the item on the agenda.

3

FUTURE LEISURE LIMITED, 8 SOUTHBURY ROAD, ENFIELD EN1 1YT

RECEIVED the application made by Future Leisure Limited for the premises situated at 8 Southbury Road, Enfield, EN1 1YT for a Premises Licence.

NOTED

LICENSING SUB-COMMITTEE - 19.5.2021

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a new Adult Gaming Centre premises licence by Future Leisure Limited for the premises at 8 Southbury Road, EN1 1YT.
 - b. The premises were formerly a William Hill which held a betting premises licence from 16 January 2013 until it was surrendered on the 29 September 2019. This William Hill licence was not subject to any review or licensing prosecution action.
 - c. Adult Gaming Centres are known as AGC's and are premises for adults providing gaming machines with higher pay-outs than family entertainment centres, for example.
 - d. Persons operating an AGC must hold a gaming machines General Operating License issued by the Gambling Commission along with a Premises Licence issued by the Local Licensing authority. Premises obtaining such authorisations will be able to provide category B, C and D gaming machines for use by customers as follows:
 - The number of category B machines must not exceed 20% of the total gaming machines as useable for use on the premises.
 - There can be any number of category C or D machines.
 - Category B machines can be classified as B or 3. B3 machines have a maximum stake of £2.00 and a maximum prize of £500.
 - B4 machines have a maximum stake of £2.00 and a maximum prize of £400.00.
 - Category C machines have a maximum stake of £1.00 and a maximum prize of £100.00.
 - Category D machines have a maximum stake 10p and a maximum prize of £5.00.
 - No person under the age of 18 is permitted to enter an AGC.
 - e. The default position of an AGC premises licence is that gaming machines can be made available 24 hours a day. However, as a result of mediation between the Local Authority and the applicant, a condition has been agreed that the premises shall only be open between the hours of 8:00am to midnight – Monday to Saturday and 9:00am to 11:00pm – Sundays & Bank Holidays. No gambling facilities on Christmas day.
 - f. In addition to the agreed condition, further conditions have also been agreed between the applicant following representations from the Local Authority and the Metropolitan Police.
 - g. AGC premises licences do attract mandatory conditions and full details of these can be seen at Annex 5 (page 213) of the report. There are no outstanding representations from any of the responsible authorities.
 - h. This application received 7 representations from interested parties (IP), including Councillors, the local Business and Residents Associations, a local business and a local resident. Interested parties believe the application does not support the licensing objectives. Those representations can be seen at Annex 3 from page 53 of the report and also additional information provided by Councillor Rye, IP2, in Annex 4 from page 61 of the report.

LICENSING SUB-COMMITTEE - 19.5.2021

i. The hearing today is for the Licensing Sub-Committee (LSC) to determine whether the application supports the licensing objectives. Future Leisure Ltd is represented by Andrew Woods of Andrew's Law firm, accompanied by Gavin Tresidder, a Director of Future Leisure Ltd.

j. Interested Parties present were Councillor Nesil Caliskan (IP1), Mark Rudling (Enfield Town Business Association – IP4) and Enfield Town Residents Association – IP5.

Councillor Michael Rye (IP2) has sent some questions which Ellie Green will read out on his behalf.

k. The licensing objectives and the Gambling Act are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
- Enduring that gambling is conducted in a fair and open way, protecting children and other vulnerable persons being harmed or exploited by gambling as set out on page 3 of the report.

l. In response to Councillor Levy's question about the Gambling Act and what weight the panel should give or not to cumulative impact referenced in the Act, Ellie Green (Principal Licensing Officer) said that this was not a consideration under the Gambling Act nor was it a stated in the authorities principal policy statement. The number of betting shops of community impact was not a consideration.

2. The statement of Andrew Woods, Solicitor, on behalf of the applicant, including:

- a. The applicant is Future Leisure Ltd and is an independent operator of Adult Gaming Centres' (AGC). It is owned and has been run by Gavin Tresidder as a family business for 30 years.
- b. The site was a former betting shop run by William Hill that had held a Gambling Act 2005 premises licence as a betting shop. The applicant is applying for a premises licence for an Adult Gaming Centre.
- c. There had not been any review applications brought against these premises previously under the Gambling Act and there was no reference or evidence to any issues connected to this site and its use as a Gambling Act Premises Licence.
- d. An AGC is a lawful use permitted under the Gambling Act and permitted under Enfield's Licensing Policy.
- e. These premises do not permit children: there are strict rules on no under 18's in the premises, in terms of submitted documents.
- f. A local area risk assessment has been submitted and can be found at Annex 2 of the report. The document is regularly re-assessed and the points within it are reviewed on a regular basis by Mr Tresidder (Applicant). It will be updated and amended depending on how scenarios evolve on any particular area. The Metropolitan Police and the Licensing Authority have no issues with the risk assessment.
- g. An additional set of conditions had been agreed by the applicant, Metropolitan Police and the Licensing Authority at Annex 5 of the

LICENSING SUB-COMMITTEE - 19.5.2021

report, which satisfy and deal with the Licensing objectives set out under the Act. In not making any representations, the Metropolitan Police and Licensing Authority agree that with the additional conditions attached to the premises licence, any test within the Gambling Act is satisfied.

- h. A number of evidential documents had also been submitted at Annex 6 of the report, setting out signage, training documents, social responsibility charters and policy and procedures, all operated by the applicant in his premises within the M25.
 - i. The applicant is approved by the Gambling Commission, has an operating licence and the operation and implementation of his procedures are accepted by the gambling commission as more than satisfactory in terms of promoting the licensing objectives.
 - j. The need or demand for Gambling Act premises, ethical and moral objections to gambling, concerns over whether Gambling Act premises fit in to town centres, concerns regarding planning or general nuisance concerns are not relevant to this application and as a matter of law.
 - k. The applicant had never had a review brought against his other 17 Adult Gaming Centres. No issues or concerns raised by Police in terms of his premises. No concerns raised by IP's today had come to fruition in the applicant's premises because of the way the premises are run. Experienced managers are employed with full training in place and good customer care. The applicant always tries to establish good relations with local communities as he has done in this area with the Police and the Licensing Authority.
 - l. Reference to Annex 5 – Agreed conditions arising from the application (from page 213) and Annex 6 – Applicants documents to further support the application (from page 219) of the report. In terms of crime issues raised by IP's, reference was made to point 2.6.2 (page 8) of the report and the measures the applicant has put in place to combat crime and disorder.
 - m. Certain parts of representations made were incorrect and not supported by evidence/documents that the premises would be connected to crime and disorder, money laundering or gangs/drugs. This was untrue and not supported. If this were the case the Metropolitan Police would object to the application. The Enfield Scrutiny documents made no reference or connection to AGC's.
 - n. There had been no issues in any other of the applicant's premises. The 3 licensing objectives would always be promoted with the agreed conditions. Concerns expressed by IP's, many of which are unsupported, would not come to fruition and the premises will not impact on crime and disorder.
3. The applicants and representative responded to questions as follows:
- a. In response to Councillor Levy's queries regarding the premises agreed operating hours and whether these hours were a window within which the premises may operate, the additional negotiated conditions and if

LICENSING SUB-COMMITTEE - 19.5.2021

they were tolerated or agreed willingly, and issues raised by IP's had been experienced in the applicant's other premises and if so, what steps had been taken to address those issues, Andrew Woods clarified that the applicant would have liked to have had a 24/7 licence, as that is what other operators in the area have. Even with a 24/7 licence the applicant doesn't always operate to those hours. As the licensing authority did not agree to a 24/7 licence the applicant agreed to 8:00am – Midnight. The Police conditions were accepted immediately, and the remaining conditions were generally accepted. The specific issues raised by IP's have not been experienced by the applicant in his other premises, many of which are within London Borough's and the M25.

- b. In response to a further question by Councillor Levy regarding if the additional conditions were stronger than the applicant would have expected elsewhere and would they reinforce the steps already taken to enforce the licensing objectives, it was clarified that these measures were not proposed as conditions by the applicant when the application was made. They add to and reinforce measures that will be in place at the premises.
- c. In response to queries from Councillor Hamilton, it was clarified that in terms of the premises fitting into the Town, this was not a relevant question under the Gambling Act. The applicant operates other premises near to towns, schools, high streets, train stations and in areas mixed with care homes, schools, etc. Nobody under 18 will be permitted into the premises. For people classed as vulnerable, the applicant has policies and procedures in place and staff are trained for this specifically. It is dealt with by observation, interaction and implementing the policies and procedures looking for signs of vulnerability. With regards to the pavement outside the premises, there are no queues into the premises with no one loitering outside. The premises are not attractive for this reason and the applicant does not envisage any difficulties with this.
- d. In response to a query from the Chair regarding a concern for an increase in loitering and anti-social behaviour outside the premises, it was clarified that an assessment is being made of a site not opened yet. The site had operated for many years, with a Gambling Act licence and there has been no evidence provided today to suggest this.
- e. IP4 asked what powers staff have, to move people along if loitering on the pavement. It was confirmed that staff do not have powers to move people off the pavement. They would contact the Police and licensing authority as with other shops in the Town.
- f. In response to IP5's queries regarding the risk assessment and the testing of staff training, how the applicant ensures the effectiveness of the training and the evaluation of that and how the pavement outside would be controlled by staff, it was clarified that that staff do not move people on but only monitor and there are issues they would contact the Police and licensing authority as with other shops in the Town. The narrow pavement outside was not a reason not to grant the application. Within Annex 6 of the report there were compliance training documents

LICENSING SUB-COMMITTEE - 19.5.2021

covering the initial training that is undertaken in the shop. A further condition was also agreed regarding refresher training for all staff in the shop. Senior managers, an area manager and compliance manager all monitor that staff are undertaking training correctly and implement policies and procedures. There is a senior manager and supervisor in the shop at all times including staff training records. The risk assessment wording around staff patrolling outside to be looked at by the applicant to show 'looking for issues outside'.

- g. In response to queries raised by IP2 and read out by the Principal Licensing Officer regarding the age of customers, proceeds of crime not being funnelled through the business, advertising on the shop front seen by children likely to glamourize and encourage gambling, measures to combat anti-social behaviour and the applicants awareness of county lines and gangs affecting Enfield, it was clarified that staff will use/require challenge 25, formal ID, passport, driving licence for any customers that do not look 25. There are anti proceeds of crime policies and any suspicious activity will be stopped and reported immediately. Signage does say Adult gaming Centre but is not glamourized. Posters on the shop front show what is available but is not a glamourized shop front. Anti-social behaviour is not permitted by staff who patrol inside the shop. These premises did not attract anti-social behaviour, as there is no music, alcohol, TV's, etc within the shop. The applicant is aware of county lines and gangs through the representations of IP2, and the importance of that. He understands county lines and the implications with regard to young people and drugs, is aware of that and youngsters and drugs will not be permitted in these premises.
4. The statement of IP1 – Councillor Nesil Caliskan making representation, including:
 - a. Thanked the applicant for presenting the application and for providing detailed responses to important questions.
 - b. Because there was something in place before it didn't mean a continuation on a path that is causing harm to individuals and communities.
 - c. Recognition of licensing officers making representations following processes within the framework of the law. Councillor Caliskan was making a representation today because she had been contacted by local residents and business owners who had expressed concern at the proposals of this application which she also shares through her submission to the committee which sets this out.
 - d. Gaming and gambling venues cause more harm than good and there is ample evidence for that both historic and newly emerging evidence.
 - e. In terms of gaming addiction, an increasing number of people are falling victim. There is a link between the existence of venues and the number of people who are finding themselves addicted and the consequence of that on others.

LICENSING SUB-COMMITTEE - 19.5.2021

- f. Acceptance that this venue will have steps in place to ensure that children don't have access to the venue, minimising harm to children. Did not accept that harm is not caused because there is a correlation between poverty and crime. It was known that gaming and gambling pushes individuals into debt. The need to acknowledge that there is a broader picture and that we have responsibility to seek to minimise the harm to individuals and communities.
 - g. Enfield Council is committed to re-building its local communities and creating a place that is resilient, inclusive and supports the health and well being of its residents. Gaming and gambling venues would not have a positive net contribution in that mission.
 - h. It would be difficult for staff members to identify those that are vulnerable. It has been well documented that gambling addicts are not obvious and would be a big burden on staff and unrealistic expectation for staff to always identify the vulnerable.
 - i. This was not just about those addicted but also about the general culture and influence that we are providing in our communities to encourage and engage in activities that pushes people into debt. Burdening them with financial insecurity.
 - j. IP1 also added that because the connection isn't obvious with an example, it didn't mean that it isn't there. The recent Harvard review published a report detailing some of this. Members were asked to consider the representations made about their concerns on the proposals.
5. IP1 – Councillor Nesil Caliskan responded to questions as follows:
- a. In response to Councillor Levy's query about whether IP1 was asking the committee to ignore the Gambling Act because there is a bigger picture, IP1 clarified that she would never ask committee members to do that. There was plenty of evidence to demonstrate the harm that is caused by gaming and gambling venues and should be acknowledged. There was also a lot of evidence that residents had made through representations about the existence of gambling venues. Decisions made by members cannot happen in isolation, a more holistic view should be taken within the framework of the Law.
 - b. In response to a further query from Councillor Levy about what specifically in the application IP1 was objecting to, it was advised that due to Enfield's high levels of deprivation, it was felt licensing laws allow members to consider issues in a borough that might exacerbate future harm. An AGC existing in a Borough where 1 in 3 children are living in poverty is a consideration for members. Specific concerns by IP1 included the location, the proximity to a train station, the business of an area and the very little criteria for whether staff are able to assess those who are vulnerable.
 - c. In response to Councillor Levy's further query regarding what evidence IP1 was bringing to the Committee to show that the applicant had not taken sufficient steps to promote the licensing objectives, it was

LICENSING SUB-COMMITTEE - 19.5.2021

confirmed that it would be for members to consider and to give weight to what IP1 has said. As Leader of the Council, it was her role to represent the views of residents. In her view, legislation allows members to make a judgement about the appropriateness of this venue.

- d. In response to IP5's questions about harm to children and if staff would be properly trained to eject people displaying anti-social behaviour who may then incite violence to people nearby, it was clarified that there are a number of schools in the area with a large number passing by the premises. There was already one in ten children who are gaming and getting into debt. Once children are able to legally go into AGC's they will do so because there is a culture of normalising it for it to exist. The Police are under resourced and are having to prioritise the most serious incidents, crimes and are having to overlook low level crimes/anti-social behaviour. Because it is categorised as low-level crime, it didn't mean it is causing harm to a community. It is more likely to cause anti-social behaviour outside venues where tensions are high and with high levels of people. There may not be evidence now but there is evidence demonstrated through trends and behaviours that can suggest that that is a risk.
6. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.
 7. The summary statement on behalf of the applicant that the Gambling Act may need reviewing in future but as it stands committees are invited to aim to permit applications subject to measures being in place to promote the Licensing objectives. Many of the comments made against this application may all be issues that are looked at if the Gambling Act is reviewed in future and are not relevant to this application. What is relevant is the specific nature of these premises and the evidence the Committee has heard about these premises and what the applicant does. The applicant has put forward all measures necessary to promote the licensing objectives and asks the LSC to bear in mind that there is no evidence of AGC's causing problems, issues at this gambling establishment in the past, or any issues at the other premises run by the applicant. Decisions have to be based on evidence and not speculation. The Police and Licensing Authority do not raise an objection to the application and are therefore satisfied that the measures promote the Licensing objectives.

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 - 19.5.2021

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 Chair made the following statement:

“The Licensing Sub-committee has attentively listened to and considered the written and oral representations made by the applicant, the applicant’s representative and IP1, IP2 (questions read out), IP3, IP4, IP5, IP6 and IP7. The Licensing Sub-Committee has made a decision:
To Reject the application.

The application has been rejected for the following reasons:

1. The licensing sub-committee [LSC] was not persuaded that the risk assessment undertaken by the applicant was sufficient to protect children, young people & vulnerable persons from being harmed or exploited by gambling, especially as the premises are close to many local schools & the train station meaning that many people would pass it regularly.
2. Following all representations by the interested parties, especially IP1 & IP2, the LSC were persuaded that these premises will add to/ increase the existing problems of crime & anti-social disorder within this ward.
3. The LSC were also very anxious that the pavement outside the premises is very narrow making it difficult if not impossible to patrol, as the applicant has suggested they will.
4. The LSC acknowledges that prior to this application there was a betting shop on the premises, which operated without problems. However the LSC believe that these premises as an adult gaming centre with longer hours would bring problems that did not previously exist”.

**4
MINUTES OF PREVIOUS MEETING**

AGREED the minutes of the meetings held on Wednesday 10 March 2021 be adjourned until the 16 June 2021 Licensing Sub-Committee meeting.

This page is intentionally left blank