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LICENSING SUB-COMMITTEE

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Wednesday, 6 July 2022 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
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Councillors : Esin Gunes (Chair), Doug Taylor (Vice-Chair) and Edward Smith

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. MINUTES OF PREVIOUS MEETINGS (Pages 1 - 34)

To receive and agree the minutes of the meetings held on Wednesday 6 October 2021, Wednesday 20 October 2021 and Wednesday 27 April 2022.

4. PERSONAL LICENCE REVIEW (Pages 35 - 42)

Consideration of suspension or revocation of a Personal Licence.

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 a part 2 agenda)

6. PART 2 AGENDA

7. ANNEX 2 - PERSONAL LICENCE REVIEW (Pages 43 - 56)

Officer Report

LICENSING SUB-COMMITTEE - 6.10.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 6 OCTOBER 2021****COUNCILLORS****PRESENT** Doug Taylor (Chair), Maria Alexandrou and Sinan Boztas.**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 IP2) on behalf of local residents objecting.**1****WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Taylor as Chair welcomed all attendees to the meeting. Sub-committee members confirmed their presence. Officers, applicants and representative, and IP2 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 the Licensing Authority for a review application (LN/201500123) at the premises known as The Winchmore Public House and situated at 235 Winchmore Hill Road, London, N21 1QA.

NOTED

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

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- a. The application was for a review of the premises licence for premises known as 'The Winchmore' situated at 235 Winchmore Hill Road, N21 1QA.
- b. The premises have held various premises licences over the years and has had a history of note as detailed from page 1 of the report.
- c. The current PLH is Celtic Cross Ltd and has been PLH since 3 June 2015. Mr Mark Walsh and Miss Eimear Walsh are the company directors. Mark Walsh was the DPS until recently and now it is Eimear Walsh.
- d. The review application has been submitted by the Licensing Authority and seeks to amend conditions and reduce licensable activities times in order to support the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm licensing objectives.
- e. This is in response to several reports that the PL has been unable to control the noise and dispersal of customers leaving the premises at closing time causing anti-social behaviour (ASB). Local residents have reported their concern and that this affecting them.
- f. The conditions sought have continued to be mediated upon between the Licensing Authority and the Premises Licence Holder (PLH) and the current position can be seen in Annex 8 which was circulated on Tuesday 5 October 2021.
- g. Those conditions not agreed require the Licensing Sub-Committee (LSC) to decide to:
 - Keep the original conditions or modify the conditions either as sought by the Licensing Authority, referred to as the 'B' conditions.
 - Or those conditions proposed by the Licensing Authority, which are referred to as the 'C' conditions in Annex 8.
 - Or a 'D' option, depending on mediation.
 - Or there may be a new condition the LSC may deem appropriate.
- h. The position of changes to licensable activities can be seen from page 57 of the report. The only times for licensable activities Not agreed between the Licensing Authority and PLH and therefore only the matters that need determining by the LSC are:
 - That the Licensing Authority seek the premises to be open from 9:00am – 11:30pm – Fri – Sat. The licensing hours currently allows the premises to be open to 12:30am.
 - The Licensing Authority seeks alcohol sales from 10:00am – 11:00pm – Fri – Sat (reduced hours). The licence currently allows alcohol sales from 10:00am – midnight.Effectively an hour reduction on both licensable activities.

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- i. The review no longer seeks to suspend the licence, as a minor variation application to amend the plan, has been submitted. The full review application can be seen in Annex 2 from page 19 of the report.
 - j. The review representations supporting the review application from the Police and 5 local residents who live on various surrounding streets are referred to as IP1 – IP5. Those representations can be seen from page 102 of the report. Additional representations were also received from local residents who opposed the review application and support the licence holder. These are detailed from page 121 of the report.
 - k. Present at the review hearing were Charlotte Palmer on behalf of the Licensing Enforcement Team, the PLH Mark and Eimear Walsh from Celtic Cross Ltd represented by George Domleo from Flint Bishop Law firm, representing the Police, Leon Christodoulou and Donna Wilcox and on behalf of the residents IP2.
 2. The Statement from Charlotte Palmer on behalf of the Licensing Authority (Senior Licensing Enforcement Officer):
 - a. Following discussions with the PLH's and their representative the Licensing Authority were pleased to say that a number of conditions and amended licensable hours had already been agreed.
 - b. Charlotte Palmer went through each un-agreed amended condition and stated the reasons why the Licensing Authority believed the changes were appropriate. As detailed within the Supplemental Agenda (Annex 8) from page 3 of the report.
 3. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:
 - a. The current opening times on the licence at present were:
 - 09:00am – 11:30pm – Sun – Thursday
 - 09:00am – 12:30pm – Fri - Sat
 - b. No changes had been made to the Sunday – Thursday hours. The Licensing Authority were proposing a change to 09:00am – 11:30pm Fri – Sat which is a one-hour reduction in opening hours from Friday to Saturday. The opening hours had not changed as part of the last variation.
 - c. The hours for Fri -Sat were granted at a variation in June 2016.
 4. The Statement of Leon Christodoulou representing the Police:
 - a. The Police were alerted to the premises back in July 2021 when the Euro football incidents had happened. The premises were a hub of concern, as detailed in the report, as it was in a residential area. The key area of concern was the younger element of clientele attracted to the pub. Younger customers leaving the premises caused the main disruption outside the pub in Bury Road/Winchmore Hill Road junction.

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- b. The Police representation made were to support the Council for the nuisance and dis-order that they want to prevent from happening and to support residents within that area.
 - c. The reduction in hours of the licence would play a key part by customers leaving an hour earlier and consuming less alcohol.
 - d. The Police had worked with the premises and were present at the premises during a busy period and had witnessed the door supervisors not adhering to what they should have been doing. This was the observation of these groups through the provision of CCTV and not seeing security outside the premises at dispersal times. The Police team wanted to encourage the premises to ensure that security is more focussed on the safety and security of clientele attracted to the premises. This was why approved Security Industry Authority (SIA) had been referred to in that condition.
 - e. PC Donna Wilcox had attended the premises during the Euro Championships and first hand evidence of issues encountered at the premises during this time are detailed from page 102 of the report.
5. Leon Christodoulou and Donna Wilcox (Police Authority) responded to questions as follows:
- a. Police had attended the premises on the 7 July 2021 (Euro Semi-Finals) and had spoken with the PLH. Prior to the meeting the police did a visit and checked the event and concerns were found around the staff at the premises at the time. They raised concerns to the PLH about the door staff who didn't appear to be switched on, not aware of glassware, out of control and not able to deal with patrons inside the tented area at the rear of the premises. One concern raised was the door staff visibility as the Police could not identify them from patrons and requested that in future door staff wear high visibility jackets and SIA badges.
 - b. PC Ewart had been the officer in attendance regarding the concerns raised and Leon Christodoulou and Donna Wilcox were not aware of conversations had, only through e-mail trails of discussions with the venue to try and put things right. This was an ongoing process and the Police wish to work with the premises to ensure this doesn't impact on the local community.
 - c. In response to Charlotte Palmer (Senior Licensing Enforcement Officer), the Police explained the benefits of employing door staff through the approved contractor scheme (ACS). Which is a Government backed regulatory scheme to ensure standards are maintained in the security industry through an independent assessment. However, it was suggested that for this type of premises the ACS isn't required and perhaps the premises to use reputable door staff companies.
6. The statement of IP2 on behalf of the local residents making representation, including:
- a. IP2 live directly opposite the premises.

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- b. The premises used to be regarded as an asset to the local community and would like to see it return to that rather than the atmosphere it currently has.
- c. Since lockdown ended, a different group of clientele visit the premises who are very loud and get very drunk. The removal of the external marquee had bought some improvements, but problems remain.
- d. The report is an accurate representation of the representations we have made until the consultation closed.
- e. The following points were made to support the recommendations that have Not been agreed:
The 2 main issues not resolved –
 - Hours
 - Music VolumeThere was a clear link between the ASB and the characteristics of the clientele. The extended hours attracted younger clientele, not from the area, who were only interested in getting drunk. Entering the pub at 10:00pm. The pub had admitted to Police and neighbours that their staff find the new clientele hard to control.
- f. Reducing the hours when alcohol is on sale is the only solution to changing the type of clientele attracted to the premises.
- g. IP2 supported the addition of the noise limiter proposal to tackle the noise disturbance coming from the premises.
- h. Pre-existing conditions on the licence were not being observed by the premises staff. E-mails of this were sent from IP2 to the Licensing Authority on 19 September 2021.
- i. The presence of 1 licence holder on Friday and Saturday evenings is welcomed which should help address issues. Ensuring that staff also adhere to all the licence conditions throughout the rest of the week.
- j. No additional complaints had been submitted by residents due to the review being imminent.
- k. A fair conclusion would be to install a noise limiter and reduce the hours as per the Licensing Authority proposal, supported by the Police.

7. IP” responded to questions as follows:

- a. In response to Councillor Alexandrou’s question about assurances given by PLH’s on dealing with dispersal issues. IP2 clarified that engagement with PLH’s had dropped unlike in initial years where there was more engagement with residents and issues were dealt with. Presently, the team of staff left to run the premises are unable to manage. Phone calls to premises are unanswered and text messages to the PLH’s are occasionally answered and responded the next day.
- b. In response to Leon Christodoulou’s question about safety concerns of clientele at dispersal time, IP2 clarified that much of the time clientele seemed quite drunk. Some standing outside

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the premises and some wandering across the road shouting at each other. Cars pulling up to pick up clientele and buses having to go around these cars with clientele running in front of buses. There are issues here.

8. The statement of George Domleo, Solicitor on behalf of the applicant, including:
 - a. The Winchmore is a local community pub and will be.
 - b. Since 3 June 2021, Mark was appointed DPS at the time and now Eimear Walsh is the DPS and it is their livelihood.
 - c. Prior to Mr and Miss Walsh's involvement, the premises had a chequered past and had issues when it was the 'Willow'. But since they had come in, no enforcement action had been taken.
 - d. Page 2 of the report details the variation application to extend the licence hours which was granted in July 2016 for the Friday and Saturday hours and a further variation application in part was granted in March 2021.
 - e. Pages 131 – 135 (of the report) were referred to showing photos of the premises style and concept with an extensive food and drinks offering (food menu – page 141 of the report). A kid's class is held 2-3 times a week including Yoga classes. Salsa and Irish dancing are held once a week and the Edmonton Rotary Club meet at the premises once a week.
 - f. A review had now been called due to complaints received between 16/04/21 and 12/08/21 this year. The premises were permitted to re-open outdoor only, from the 12/04/21 and at this time the premises had a permitted marquee erected in the car park providing an extension of their customer external area.
 - g. The dates of complaints are attributable to other factors. Nightclubs were not permitted to open until the 19/07/21. Only 4 complaints had been made against the premises after the 19/07/21 and is evident that the younger clientele that the premises were attracting at the time were the night club clientele and not the regular customers. Once nightclubs re-opened there was a reduction in complaints against the premises. The period of these complaints coincided with the Euro Championships which ran from 11/06/21 – 11/07/21 which was another factor leading to different clientele.
 - h. During a team's meeting with Charlotte Palmer to discuss the review on 03/09/21 it was acknowledged by Charlotte Palmer that complaints appeared to have ceased since the last review was submitted as detailed at page 50 of the report.
 - i. Additional staff training especially around dispersal issues has been carried out. There is also a more experienced manager in place.
 - j. There are only a few outstanding points between us and the Licensing Authority as detailed at pages 51 – 54 of the report or in Annex 8.

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- k. The current hours were granted by the LSC as part of the variation application in July 2016 and therefore the premises have been trading these hours since then.
 - l. The Licensing Authority, in this review, have not suggested that these hours for the sale of alcohol and closing times on a Friday & Saturday give any issues prior to this time period, prior to this review and the start of complaints.
 - m. The only modification to the existing conditions not agreed are the hours to the external area. The Licensing Authority are requesting 10:00pm and we are requesting for 11:00pm. Stopping serving drinks at 10:30pm and to all to leave by 11:00pm. Several new conditions have also been agreed. Conditions we have not agreed, we feel, are dis-proportionate to the concerns raised for this review and are not needed at this stage.
 - n. Things had now returned to normality after the past 18 months and the same for the Winchmore.
 - o. We ask the LSC to modify the premises licence in line with the points agreed between the Licensing Authority and the applicant and to accept our proposed conditions. Anything more would be dis-proportionate.
9. The applicants and representative responded to questions as follows:
- a. In response to the Chair's statement regarding a number of similar dispersal issues raised at the 10 March 2021 LSC hearing (Variation of Licence), the Legal representative clarified that if that was an issue then why wasn't a review called at that stage and enforcement action taken.
 - b. In response to Councillor Maria Alexandrou's questions about the precautions taken regarding noise and the risk assessments undertaken when anti-social behaviour was occurring, it was advised that the Environmental Health are the experts in the field of noise nuisance. To request a noise limiter, that would be for the Environmental Health Officer to request. The licence holders are aware of residents nearby and that they must control the music levels. The PLH's objection to the noise limiter was the calibration of the unit and who would be doing that. At this stage this was dis-proportionate given the current issues. The PLH's had already agreed to the reduction in music hours and that the dispersal policy was now a condition of the licence which should give comfort to residents. Noise checks would take place every hour by ear to ensure noise from the premises was not excessive and ensuring doors and windows remain shut. Records to be kept with date and times for 6 months. A live DJ would have to comply with all the licensing conditions. A live DJ was used in the licensable area, prior to lockdown, every Friday night mainly for older clientele.
 - c. In response to risk assessments and door staff and how that would be managed, it was advised that management would

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have a team meeting well ahead of a date and look at events coming up. To then risk assess these and whether door supervisors are needed and how many. Including whether to use plastic cups or if wrist bands are required. Police would be contacted if the premises had a risk assessed event to notify them. The premises were able to risk assess events as proven at New Year's eve events. It was not appropriate for the premises to employ door supervisors every Friday and Saturday night but to risk assess events for door staff would be appropriate. The premises did not experience any crime and disorder before.

- d. In response to IP2's comments that noise and disturbance was still occurring as recently as last week with that same clientele, not reported due to the hearing, it was advised that the change in clientele was due to lockdown and the Euro Championships. Clientele was now returning to its normal regular customer base. The premises are calm and quieter but there is always noise around dispersal time which is normal for a pub. PLH's on duty on Friday and Saturday nights would assist the dispersal as would the change in manager, re-trained staff and the agreed condition.
- e. Ellie Green (Principal Licensing Officer) provided further information regarding Environmental Health (EH) and the noise limiter. EH do not offer a service to calibrate licensed premises noise limiters. This was done by external noise experts. EH do assist by providing details of residents who have complained, access those residents and test noise levels there. Charlotte Palmer had considered the EH records to make this representation.

10. 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.

11. The summary statement from Charlotte Palmer (Senior Licensing Enforcement Officer) that representations objecting to reviews, do not carry out representations to those that have been affected. The PLH's have previously acknowledged that clientele has changed after lockdown and that they have been much more difficult to control, leading to increased noise disturbance.

The complaints did seem to cease but since the meeting there have been some further complaints and residents did stop reporting issues to the Licensing Authority.

At the last variation hearing, the PLH were given the opportunity to prove that they can keep customers outside longer and music longer without leading to noise complaints. Unfortunately, the extra hour has led to increased complaints. The Licensing Authority therefore feels only right that these decisions now be reversed, and additional conditions be added to the licence to further promote the licensing objectives.

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12. The summary statement of the Police Authority that they were just here to ensure there is no risk to the clientele around dispersal time, SIA door supervisors to be in place for high volume evenings on a Friday and Saturday. They are concerned about ASB, noise and the clientele which is why they support the reduction in hours by an hour and the specific SIA's to ensure that they are in place with a minimum of 2 for Friday and Saturday evenings after 8:00pm.

The Police Authority did not believe the ACS accreditation was necessary when hiring door supervisors which would cause more issues to the venue. The 2 SIA's stand and perhaps the venue feels it is necessary to have a better door team.

13. The summary statement on behalf of the applicant that the remedial action taken at the review should only be no more than appropriate and a proportionate response.

The modifications to the licence have been agreed, the addition of a new conditions and the reduction of regulated entertainment are appropriate and proportionate.

The no 'new entry', door staff every Friday and Saturday are disproportionate or appropriate under the guidance and not appropriate for the premises as it operates. The hours for Friday and Saturday were put on the licence in July 2016 and there has not been any enforcement action or review been taken to date. I do submit that we are here because of the Euro Championships, night clubs closing, the lockdown and the difficult clientele that were attracted to the premises at that time.

It is a local community premises and has now returned to its normal regular customer base.

We ask you to agree or accept the agreed proposed conditions upon which we have agreed. But anything further would be disproportionate at this stage.

RESOLVED that

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

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

2. The Chair made the following statement (**Final Decision Notice attached to these minutes**):

"The Licensing Sub- Committee has listened to and considered the written and oral representations from the Premises Licence Holder's representative, the

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Licensing Authority, the Police, the Other Persons IP1 to IP5 and SUP01 to 12, for an application for the review of the premises licence for The Winchmore. The Licensing Sub-Committee determined that conditions 1 to 21 are agreed as per Annex 8 of the Supplementary report and in addition agrees the following Conditions:

- 22C: The service of drinks to customers in the external area shall cease at 22:30 and no customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

- 23A: There shall be no more than 10 persons using the designated smoking area after 23:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.

- 27B is amended to:

27(a) - A minimum of 2 door supervisors shall be employed on the premises on Friday Saturdays from 20:00 until the premises have closed.

(b)The premises will risk assess any events held at the premises for Licensable activities and the impact of any major sporting events and all specifically advertised events.

(c)The door supervisors shall remain directly outside the premises for 30 minutes after all the premises has closed or until all customers have dispersed.

(d)The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance.

(e)All door supervisors shall be easily identifiable by wearing high visibility jackets.

- Condition 31B is amended to: “The Premises Licence Holder will risk assess the premises to ensure that noise does not emanate from the premises so as to cause a noise nuisance to nearby properties and will ensure continual monitoring and record the monitoring and retain the record for at least 6 months”.

The Conditions and reduction of hours, as set out in this Decision Notice seek to promote the Licensing Objectives and particularly, mitigate the risks of noise nuisance and public nuisance, as set out in the Licensing Authority’s application for this review of the Premises Licence.

The LSC was particularly mindful that The Winchmore pub is located in close proximity to a large residential area and that a reduction of the hours would assist to mitigate the disturbance to local residents as set out in the representations from IP1 to IP5. The LSC took into account that disturbances at the premises occurred when people were leaving the premises, therefore the reduction in hours, would assist to reduce the risk of disturbance to residents in the locality. In addition, the police supported the application for the review on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance and the LSC considered the police representations noting the police indices between 08.05.2020 and 08.09.2021 where there were reports of anti-

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social behaviour and noise nuisance arising from loud music, people from the premises and premises car park.

The LSC also took into account the representations and submissions from the Premises Licence holder's (PLH) (The Celtic Cross Limited) representative and the Company Directors of the Celtic Cross Limited, Mr Mark Walsh and Ms Eimear Walsh. In its decision, the LSC has noted and considered the Premises Licence holder's representations and sought to find a proportionate way forward to assist the premises based on all the information at the hearing. It was noted from the police representations and from the representations from the 'Other Persons' IP1 to IP5 that there was a lack of control of the premises by the Designated Premises Supervisor (DPS) and PLH and therefore, the LSC supported the continued security by way of SIA staff, during certain times, to put in steps that support the Licensing Objectives and mitigate any risks especially at larger events at the Premises, including some sporting events, as per the complaints during the Euro football events in the summer. The LSC acknowledged that the Directors and PLH were willing to conduct risk assessments and noted their representations on carrying out risk assessments which is reflected in the conditions, particularly, 31B, above.

3. The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence;**
- (b) to modify the times of the licensable activities of the licence.**

(a) Conditions (in accordance with Annex 8):

- (i) Conditions 1 to 21, 24 and 26 are agreed;

(b) Times/Activities

Activity	Current Hours	LSC Determined Hours
Open	09:00 – 23:30 Sun-Thurs 09:00 – 00:30 Fri - Sat	09:00 – 23:30 Sunday to Thursday (no change) 09:00 – 23:30 Friday to Saturday
Alcohol (on sales)	10:00 – 23:00 Sun – Thurs 10:00 – 00:00 Fri - Sat	10:00 – 23:00 daily

The following times/activities are already agreed (no changes required):

Activity	Agreed Amended Hours
Plays	09:00 – 23:00 Fri - Sat
Live Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Recorded Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Performance of Dance	09:00 – 23:00 everyday
LNR	Remove from license

4

ANNEX 8 - PROPOSED AMENDED CONDITIONS

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Received Annex 8 – Proposed amended conditions.

5

MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meetings held on Wednesday 10 March 2021, Wednesday 19 May 2021 and Wednesday 4 August 2021 as a correct record.

LICENSING SUB-COMMITTEE - 20.10.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 20 OCTOBER 2021**

COUNCILLORS

PRESENT Doug Taylor (Chair), Birsen Demirel and Jim Steven.

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer) Balbinder Kaur Geddes (Legal Adviser) and Metin Halil (Democratic Services)

Also Attending: Leon Christodoulou – Police Authority

**1
WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Taylor as Chair welcomed all attendees to the meeting. Sub-committee members confirmed their presence. Officers, applicants and representative, 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
HAYATY LOUNGE LIMITED, 303 GREEN LANES, SOUTHGATE, N13 4XS**

RECEIVED the application made by Mrs Abdelmegid Nessrin Anter El Sherbiny for a premises licence at the premises known as Hayaty Lounge Limited and situated at 303 Green Lanes, Southgate, N13 4XS.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a new premises licence relating to a premise named Hayaty Lounge Limited at 303 Green Lanes, N13 4XS.

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- b. The premises have not held a licence previously, but the husband of the current applicant did apply for a licence in 2011 but was subsequently withdrawn due to objections.
 - c. The applicant is Ms Abdelmegid El Sherbiny and is the wife of Mr Ayman El Sherbiny, who was present; their son Mr Mustafa El Sherbiny was also in attendance. Mrs El Sherbiny is also the Director of Hayaty Lounge Limited.
 - d. This new application is for a Shisha Café seeking various regulated entertainment and late night refreshment between 10:00am – 1:00am daily.
 - e. Mr El Sherbiny confirmed, before the meeting started, that they are only seeking regulated entertainment outside only till 11:00pm. But that they still want the full hours up to 1:00am. It would be a licensable activity because there is no alcohol being sought on this application.
 - f. However, the responsible authorities, namely the Police and Licensing Authority object to any hours sought after 11:00pm and the applicant has not agreed to the reduction in those hours. But they had agreed to conditions set out in Annex 4 detailed from page 89 of the report.
 - g. Present at the meeting was Mrs El Sherbiny (applicant), Mr El Sherbiny (Husband) and their son Mustafa El Sherbiny. There was no legal representation present. Sergeant Leon Christodoulou representing the Police and Charlotte Palmer representing the Licensing Authority were also present.
 - h. In response to an enquiry by the Chair, Ellie Green (Principal Licensing Officer) clarified that the LSC were only considering what the conditions are at Annex 4. The LSC, if they wish, could consider any additional conditions once they had heard representations and could add to these or not. Within Annex 4 the conditions are agreed and there are no conditions the Licensing Authority are proposing that the LSC are required to consider.
2. The statement of Mrs Abdelmegid El Sherbiny (applicant) made by Mr Ayman El Sherbiny on behalf of the applicant including:
 - a. Mrs Abdelmegid El Sherbiny (applicant) confirmed that she has understood that Mr Ayman El Sherbiny (Husband) would be speaking on her behalf.
 - b. The applicant is looking to close the premises at 1:00am which is for the inside and basement of the premises. The outside area and the garden to close at 11:00pm.
 - c. They would ensure no noise would be heard outside and only speaking inside the premises so as not to annoy the neighbours. This was what the applicant was looking for.
 3. The applicant and her representatives (husband and son) responded to questions as follows:
 - a. In response to the Chair's question about the history of noise complaints from the premises in the past, with enforcement

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taken, and how would the applicant ensure this would not be replicated. Mr El Sherbiny clarified that the applicant was not in the UK at the time of these noise complaints. Mustafa El Sherbiny (Son of applicant) further clarified that the applicant would be aware of any outside noise and nothing like this would ever happen again. There would be no noise or music in the back garden again. No complaints would be made as the premises would be stopping all music by 11:00pm.

- b. Legal interjection - Balbinder Kaur Geddes (Legal Representative) stated that Mustafa El Sherbiny said that he would talk on behalf of the applicant. He could therefore answer the questions on her behalf as the applicant and to translate for her as Mustafa El Sherbiny was acting as her representative.
- c. Councillor Demirel asked for confirmation that there would be no live music/performance after 11:00pm even though the premises would be open till 1:00am. Mustafa El Sherbiny clarified that there would only be low level background music inside the premises after 11:00pm.
- d. Councillor Steven stated the premises had opened for business during the Covid period and were told not to have more than 6 people inside the premises but there was more than 6 present. Alcohol was also being sold in the premises at that time. The applicant's representative clarified that nothing like this had happened at all. Alcohol was not sold in the premises at all. The premises only sold soft drinks, tea and coffee.
- e. Charlotte Palmer (Senior Licensing Enforcement Officer) asked the following questions to the applicant:
 - Did the applicant work at the premises?
 - Who ran the premises daily and who dealt with customers?
 - Why was Mustafa El Sherbiny (son) not making the premises licence application and Mrs Mustafa was making the application in her name who doesn't work at the premises.

Mustafa El Sherbiny clarified that the applicant only provided shopping for the premises and did not serve customers. The premises were managed by Mustafa El Sherbiny and Mr Ayman El Sherbiny, who have done so for the past 3 years. The premises licence was being made by the applicant because this was an Arab/family thing as the older member of the family.

- f. Charlotte Palmer asked if the applicant realised that as the named PLH she would be legally responsible for ensuring all conditions are complied with and the proposed hours are not breached. Did the applicant understand the responsibility for being a PLH? Mustafa El Sherbiny clarified that the applicant knew this.

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- g. Charlotte Palmer asked the applicant how she would ensure that the conditions and times are complied with if she was not even working at the premises?

Legal Interjection: the applicant to reply to the question through her son, Mustafa El Sherbiny, after translation.

Mustafa El Sherbiny clarified that the applicant does go to the premises but not all the time. The applicant tells Mustafa El Sherbiny what to do at the premises. The applicant is his mother, she is not there every day, only coming to the premises in the morning and leaving in the evening.

- h. Charlotte Palmer asked if the applicant had read the conditions herself and if she understood what she must do to demonstrate compliance? In response Mustafa El Sherbiny said that the applicant knows what she must do at the premises.
- i. In response to Charlotte Palmers enquiry about the agreed conditions and if the applicant can tell the LSC what she has agreed to do to ensure the licensing objectives are upheld. Mustafa El Sherbiny responded that the applicant has only agreed about the closing time of the outside area at 11:00pm but to close the inside premises at 1:00am. The Legal Representative clarified if the applicant understands the proposed conditions, the implications of those proposed conditions and is able to adhere to those conditions as detailed from page 89 of the agenda. Charlotte Palmer, as an example read out condition 8 (page 90) regarding noise levels and further added if the applicant could explain to the LSC what she would do in relation to ensuring that this condition is complied with and to demonstrate what she would be doing to ensure compliance? In response, Mustafa El Sherbiny said that the applicant will ensure that if the premises closes at 1:00am there would be no music at all and all customers would leave the premises and the shutters would come down straight away after closing. So, the outside area would close at 11:00pm, there would also be security and no live music after 1:00am. All customers would leave at 1:00am immediately and the premises would be closed.
- j. Charlotte Palmer was dissatisfied with the applicants answer (as above) regarding condition 8. Stating that the applicant was referring to the proposed hours and her enquiry was about demonstrating compliance for the noise condition (8) which was about carrying out sound checks and record keeping. Charlotte Palmer then clarified what the model answer should have been regarding compliance of condition 8 (noise levels). In response to Mustafa El Sherbiny stated that he did not understand Charlotte Palmer's question about condition 8 and the applicant demonstrating compliance, Charlotte Palmer again clarified that condition 8 was agreed by the applicant and again stated what condition 8 was and the measures needed to demonstrate compliance. Mustafa El Sherbiny responded that the applicant

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will know everything about condition 8, the music checks and keeping records and she would be responsible for that. The applicant would be at the premises every day while it is open.

4. The statement of Leon Christodoulou on behalf of the Police Authority including:
 - a. The police Authority have real concerns with this application and had been unable to contact the applicant. They had only managed to have a conversation once and only now knew who is responsible for the premises and what the premises would be used for.
 - b. Concerns last year and this regarding Covid breaches and noise concerns. Concern also whether the premises are being used as a nightclub rather than a café.
 - c. The police do not feel re-assured that Mustafa El Sherbiny (son) would be taking over the management of the premises as he had been involved with the premises over the past 3 years, during these Covid breaches, and are not reassured that anything would change.
 - d. The applicant doesn't have an understanding how the business will be run still. If the premises are to be run as a café, why does it need to be run until 1:00am and why is the applicant considering having security. It is not clear how noise issues would be dealt with. The Police would have liked to have these conversations with the applicant.
 - e. There had been an out of hours incident in September 2021 at the venue whereby alcohol was consumed at the location despite not having an alcohol licence. This serious allegation was still being investigated.
5. The Police Authority responded to questions as follows:
 - a. In response to the Chair's enquiry about the timeframes to contact the applicant, it was advised that contact with the applicant was last made on the 15 October 2021. This was with Ayman El Sherbiny and that his son Mustafa El Sherbiny would be taking over the business as he had experience and had been involved with the premises over the past 3 years. Several attempts had been made to contact the premises through a mobile phone number but to no avail.
 - b. Mr Ayman El Sherbiny stated that when the business was started it was a café and then became a take-away restaurant for 2 years but was un-successful. The venue was then changed to a Shisha Bar but then the pandemic hit us, so we tried to turn the premises back to a professional restaurant.
In response to the objection and nuisance that was referred to, management would make sure that noise will be controlled by the applicant and Mustafa El Sherbiny. They would understand how to do this correctly. Mr El Sherbiny was trying to change his behaviour and to get things right in order to survive. In response, Leon Christodoulou advised that the Police were concerned that

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Mr El Sherbiny has had 3 years to show and provide that he could run the business. It was accepted that there had been changes and different ways the premises had to adapt, but there had still been various breaches. Including an admission that one member of staff did not have a work visa that was being employed by the premises. The Police Authority confirmed a lot of rule breaking had occurred and did not understand what would be changing if the licence was granted.

6. The statement on behalf of the Licensing Authority by Charlotte Palmer (Senior Licensing Enforcement Officer):
 - a. The Local Authority was pleased that all the recommended licensing conditions had been agreed but they still did not agree with the hours for late night refreshments or regulated entertainment. There was still some confusion as to what regulated entertainment is being offered by the applicant. Background level music is not licensable or require a license for recorded music.
 - b. This premises have an extensive history of breaching legislation and causing noise disturbance to local residents.
 - c. The owner of the premises and directors have changed over the years, but Mr El Sherbiny has always been involved in running the business. The Licensing Authority had never met the current director and applicant for the premises or received any communications from the applicant, until today which was a concern.
 - d. Mr El Sherbiny (current manager) was prosecuted and found guilty in 2011 of repeatedly breaching a noise abatement notice, repeatedly providing licensable activities without a licence and breaches of the Health & Safety Act 2006, allowing customers to smoke in an enclosed space. In 2018, Mr El Sherbiny was again prosecuted and found guilty of offences under the Health & Safety Act 2006, Licensing act 2003, Town & Country Planning Act 1990 and the Environmental Protection Act 1990. This history has led to a lack of confidence in the ability of those running the business abiding to legal requirements.
 - e. The Licensing Authority considered submitting an outright objection to this application but was appreciative of the last 18 months which has been a difficult time for businesses with changing Covid regulations.
 - f. Licensable activities were again seen to be taking place without a premises licence/temporary event notice being in place in September 2020.
 - g. In August 2021, a noise complaint was received regarding loud music coming from the premises every night for the last 2 weeks from 10:00pm to 1:30am.
 - h. If the applicant is able to demonstrate full compliance for the licensed times and conditions in this representation, over a 6 month period, the Licensing Authority would have more

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confidence in their ability to trade in a manner that would not cause a nuisance to local residents. Until then the Licensing Authority continues to object to the applied required hours, late night refreshments and regulated entertainment.

- i. As heard today, Mr El Sherbiny does not want to be involved with the running of the premises so it may be appropriate to add a further condition stating that Mr El Sherbiny shall not be involved in any way with the operation and management of the business or be permitted to work in the business in any capacity if that is his true intention.

The applicant could advise whether they would agree to this wording.

7. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:

- a. In response to the Chair, nothing has been heard to date to change anything in Charlotte Palmers introductory statement. The Licensing Authority were even more concerned as the applicant did not seem to understand conditions they have agreed to.
- b. Charlotte Palmer clarified how she had arrived at the proposed hours of the intended licence.
- c. Mustafa El Sherbiny stated that there was no difference between closing at 11:30pm and 1:00am, only 1.5 hours. Their customers usually came at 10:00pm. They have regular customers who have been coming to the premises for the last 7-8 years. If the premises must close now at 11:30pm they will be losing money and customers and not be able to run the business as they want to. Charlotte Palmer responded why there were people at the premises at 1:00am and what activities were taking place at 1:00am? If no licensable activities are taking place how would that activity be different the premises did not have the licence. Mustafa El Sherbiny responded that these were regular family customers having business meetings at that time with soft drinks and Shisha but if they had to close at 11:30pm the business wouldn't work. It was advised that if no licensable activities are taking place then conditions and times cannot be breached. Non-licensable activities could continue past the licensable hours i.e. soft drinks and cold food. Any licensable activities would have to stop by 11:00pm i.e. hot drinks/hot food and music/entertainment, if the licence is agreed. There should be no change to the premises existing customers if the premises are only selling soft drinks and cold food. If the premises were to serve hot dinks/hot food or carry out entertainment outside those hours they would be in breach of their licence, if agreed.
- d. Mr El Sherbiny stated that Covid had a big impact on the premises. They are trying to obtain new customers between 11:00pm – 1:00am coming to the premises. They had served

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customers hot drinks/hot food as a substitution of their shisha business for which they had lost 60% of business.

Legal Interjection: The legal representative stated that this was something the premises were not entitled to do because they did not have a licence beyond 11:00pm. At no stage prior to this application are you legally entitled to do that and would caution what Mr El Sherbiny had said because the LSC would need to take that into consideration when it makes its decision if you're potentially acknowledging that this is how you have been operating which seems to be in breach of the law.

In relation to this application, Mr El Sherbiny's submission should be that he would operate within the law and that is what the LSC will consider.

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. Financial implications are not a consideration in the licensing regime.
9. The summary statement of Leon Christodoulou on behalf of the Police Authority, that there are concerns around security. Why would a local community café need security? The Police were still not reassured due to the history of breaches, the Covid breaches and the behaviour of individuals serious allegations. How could the Police be reassured that this is going to change?
10. The summary statement from Charlotte Palmer, Senior Licensing Enforcement Officer, that in order to prevent public nuisance the Licensing Authority continues to object to the 1:00am licence and recommends the terminal hour of 11:30pm for all licensing activities ceasing at 11:00pm. The sale of hot food/hot drinks is only considered to late night refreshments between the hours of 11:00am – 5:00pm. This recommends that there be no late-night refreshments on the licence.
11. The summary statement of Mr El Sherbiny on behalf of the applicant, in response to licensing officers' concerns regarding the applicant's capability of running a licensed business, it was advised that the applicant had raised 2 children on her own for 15 years whilst Mr El Serbiny was travelling through Europe. The applicant is very confident in herself and can do better running the business for the future. Speaking on behalf of the applicant, Mr El Sherbiny agreed with the proposed condition suggested by Charlotte Palmer, to state that Mr El Sherbiny would not be involved in the business in any capacity. Mr El Sherbiny would only be an adviser as the head of the family to advise, guide and provide feedback on how to run a small business.

He confirmed that his son, Mustafa, worked for him at the premises for the past 3 years but operationally not on the side of the Law. The applicant and Mustafa El Sherbiny would ensure everything ran smoothly at the premises. The applicant is only asking for the ability to provide late night refreshments to serve hot food and hot drinks. The applicant would take

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away live music and entertainment if they could serve hot food and drinks inside the premises within the licensable hours.

Referring to the mentioned security/CCTV at the premises, this had been recommended by Charlotte Palmer in an e-mail to the applicant to aid customer dispersal from the premises.

The applicant was trying to ensure that things ran smoothly at the premises. They had lost 60% of their income and this was the only way for them to keep normal living standards.

RESOLVED that:

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

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

2. The Chair made the following statement (**Final Decision Notice attached to these minutes**):

“The Licensing Sub-Committee (LSC) having listened to and considered written and oral submissions made by the Metropolitan Police, the Licensing Authority and by the Applicant and Mr Ayman El Sherbiny and Mr Mustafa El Sherbiny and in particular the evidence concerning previous activities at the premises concerning noise nuisance and breaches to the law as set out by the Licensing Authority and the Metropolitan Police which arose whilst Mr Ayman El Sherbiny and possibly Mr Mustafa El Sherbiny were in control of the premises. The Applicant has not been able to demonstrate to the LSC that she has an understanding of the obligations of holding a licence and the licensing objectives of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm or demonstrate that she would be able to adhere to the proposed licensing conditions outlined at Annex 4 (pages 89-91 of the Document Pack). Further, the LSC, notwithstanding Mr Ayman El Sherbiny’s assertions that he would not be involved in the running of the business and that it would be the Applicant who had control, does not from the oral submissions heard today and given the past history of the premises appear to be the case; notably, both the Licensing Authority and the Metropolitan Police have stated that any contact concerning the premises has been with Mr Ayman El Sherbiny and not the Applicant. It appears to the LSC that Mr Ayman El Sherbiny is likely the de facto person in charge of the business albeit he does not hold a legal office at Companies House concerning the business.

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Whilst the LSC is sympathetic to the financial position of the Hayaty Lounge Limited particularly given the past 18 months during the COVID pandemic, however, the LSC is not permitted to take into account any financial considerations in making its decision.

On balance the LSC has made the decision to Refuse the Application in its entirety.

The LSC has taken into account the statutory guidance and the London Borough of Enfield's Policy Statement in making its decision and has made its decision in promoting the four licensing objectives and in particular that of the Prevention of Crime and Disorder and Prevention of Public Nuisance.

It should be noted that the Hayaty Lounge Limited can continue to operate at the premises for any unlicensed activities and that there are no time limits for unlicensed activities. Further, an application can be made for licensable activities and it is recommended that the Applicant and her family consider who would be the appropriate licence holder for any such application and it may be appropriate for co-operation with the Metropolitan Police and Licensing Authority in any such application.

3. The Licensing Sub-Committee resolved to Refuse the application.

LICENSING SUB-COMMITTEE - 27.4.2022

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 27 APRIL 2022**

COUNCILLORS

PRESENT (Chair) Doug Taylor, Christine Hamilton (Deputy Mayor) and Derek Levy

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Amanda Butler (Senior Fair Trading Officer), Catriona McFarlane (Legal Services), Jane Creer and Suzanne Connolly (Democratic Services)

Also Attending: Mr Aydin Salman (Premises Licence Holder & Designated Premises Supervisor), Mrs Sultan Salman, Koray Salih (Interpreter)

**1
WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

1. Councillor Taylor as Chair welcomed all attendees to the meeting, and explained the order of the meeting. Apologies were extended to all for the delayed start time which was due to transport issues.

**2
DECLARATION OF INTERESTS**

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

**3
MINUTES OF PREVIOUS MEETINGS**

Approval of the minutes of the meetings held on Wednesday 6 October 2021 and Wednesday 20 October 2021 to be adjourned until the next Licensing Sub-Committee meeting.

**4
ENFIELD FOOD & WINE, 37-43 KEMPE ROAD, ENFIELD EN1 4QT**

RECEIVED the application made by Licensing Authority for a review of the Premises Licence (LN/200800580) held by Mr Aydin Salman at the premises

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known as and situated at Enfield Food & Wine, 37-43 Kempe Road, Enfield, EN1 4QT.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. Having met with the License Holder previously, where they conversed in English, Ellie checked if everything said during this hearing required translating. The License Holder responded via the Interpreter “yes please”.
 - b. The application was to consider a review application relating to the premises known as Enfield Food & Wine, 37 – 43 Kempe Road, Enfield, EN1 4QT.
 - c. This premises licence had a history of note; as set out on page 23 of the agenda pack, Mr Baris Salman was the premises licence holder (PLH) from 9 October 2008 until 29 December 2008, when it was transferred to the current PLH, Mr Aydin Salman.
 - d. However, Mr Baris Salman was also the Designated Premises Supervisor (DPS), from 9 October 2008 and was still the DPS even when Mr Aydin Salman became premises licence holder and remained as DPS until 10 October 2011. Then Mr Aydin Salman became the DPS.
 - e. Since the report was published, it had become apparent that Mr Baris Salman had been the joint premises licence holder with Mr Korkmaz, and was also DPS of another premises, namely Ordnance Supermarket, 115 Ordnance Road, Enfield.
 - f. In October 2011, a minor variation of the Ordnance Supermarket licence was granted adding on conditions at the request of the Council following the seizure of illicit alcohol found at Ordnance Supermarket.
 - g. Three years later, more counterfeit alcohol was seized from Ordnance Supermarket, and the Licensing Authority submitted a review application. At the hearing on 21 January 2015, the licence was revoked, but the decision was subsequently appealed. It did not go to court as a consent order was agreed, suspending the licence for 3 months instead.
 - h. In January 2016, the premises licence was transferred to Mr Mehmet KOLO, who also varied the licence to be the named DPS from 13 January 2016. It is still worth noting the activity at this premises since that transfer and vary DPS application.
 - i. In December 2016, a minor variation was granted to add on conditions, namely, to prevent the supply of illicit goods, at the request of the Licensing Authority.
 - j. In January 2017 an application was made by the Licensing Authority for the review of Ordnance Supermarket as the premises have been found again to be supplying illicit goods. At the hearing on 8 March 2017, the licensing sub-committee determined that the

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licence be revoked. This decision was also appealed but subsequently withdrawn as the licence was transferred to Mr Serdar Tas, who remains the PLH at Ordnance Supermarket. Mr Tas submitted a minor variation at the request of the Licensing Authority to add the following condition to the licence:

‘Neither Baris Salman nor Ibrahim Korkmaz shall be involved in any way in the operation and/or management of the business. They shall not be permitted to work in the business in any capacity, paid or unpaid.’

- k. It has been confirmed on behalf of Mr Aydin Salman that Mr Baris Salman and he are brothers. Therefore this history of illicit goods at another premises and the licence holders are linked, is relevant to this hearing.
 - l. This review application for Enfield Food and Wine has been submitted by the Council’s Trading Standards Team and seeks to revoke the premises licence in full held by Mr Aydin Salman. The review supports the prevention of crime and disorder licensing objective.
 - m. The review is made on the grounds that the premises has history of selling illicit tobacco from the premises. Furthermore, breaches of licence conditions are alleged during inspections, in particular those conditions applied to prevent the sale of illicit tobacco.
 - n. The full review, additional information and supporting evidence is set out from page 27 of the agenda pack.
 - o. The current licence conditions are set out in the premises licence, found on page 174 of the agenda pack.
The premises licence permits the sale of alcohol off sales between 9am and 11pm daily, and to be open from 8am to 11pm daily.
 - p. Mr Aydin Salman is the current PLH and DPS.
 - q. Mr Aydin Salman has not provided any written response to the review application.
 - r. If the Licensing Sub-Committee is minded not to revoke the licence, Trading Standards have not requested any additional conditions (this was corrected later in the meeting during Amanda Butler’s statement).
2. In response to Cllr Levy’s query about the link with Ordnance Supermarket, the Legal Representative advised it was for Councillors to make a judgement on this and assess the weighting, but the information was relevant.
 3. Ellie Green introduced all that were in attendance and highlighted that due to the seriousness of the application Mr Salman had been advised to have legal representation however he had chosen not to. Mr Salman stated he was unable to afford this.
 4. The statement of Amanda Butler, Senior Fair Trading Officer, representing Trading Standards:

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- a. This review was in regard to illegal tobacco found at Enfield Food & Wine, 37 – 43 Kempe Road, Enfield, EN1 4QT, in accordance with the licensing objective of prevention of crime and disorder, as well as to disrupt the illegal trade of tobacco within the borough.
- b. Amanda referred to the history of the licence set out on page 30 onwards as follows:

Premises history:

- 9th October 2008.-The Premises Licence LN/200800580 was issued to Enfield Food & Wine-41-43 Kempe Rd, Enfield EN1 4QT on 09/10/2008. The aforementioned premises licence holder was Ibrahim KORKMAZ of 41A Ordnance Road Enfield EN3 6UT and Designated Premises Supervisor Baris SALMAN of 41A Ordnance Road Enfield EN3 6UT.
- 15th January 2009-The Premises Licence LN/200800580 was transferred to Aydin SALMAN of 41A Ordnance Road, Enfield EN3 6UT on 15/01/2009 pertaining to Enfield Food & Wine-41-43 Kempe Rd, Enfield EN1 4QT.
- 4th October 2011- Enfield Council's Licensing Team received a minor variation application from Aydin SALMAN regarding the amendment of licensing condition of premises Licence LN/200800580. The amended premises licence no:LN/200800580 was issued to Aydin SALMAN on 19/10/2011.
- 5th October 2011- Enfield Council's Licensing Team received a request to transfer Designated Premises Supervisor (DPS) to Aydin SALMAN regarding premises Licence LN/200800580. The afore-mentioned amended premises licence was issued to Aydin SALMAN on 10/10/2011.
- 24th November 2016- As a result of a seizure of non-duty paid tobacco and alcohol from 41-43 Kempe Rd EN1 4QT and the storage utilised from the adjacent unlicensed retail premises situated at 45 Kempe Rd EN1 4QT on 23/09/2016 (paragraph 3.2), Enfield Council's Licensing Team received a minor variation application from Aydin SALMAN that amended the licensing conditions of premises licence LN/200800580. The amended licensing conditions pertaining to premises licence LN/200800580 was issued to Aydin SALMAN on 13/12/2016.
- 25th February 2022- As a result of an inspection from Enfield Council's Licensing Enforcement Team on 23/02/2022, an updated premises licence LN/200800580 pertaining to Aydin SALMAN's change of address to 82 Holmesdale, Waltham Cross, EN8 8RA was issued to Aydin SALMAN on 25/02/2022. Appendix 1.
- 28th February 2022-Enfield Council's Licensing Team received a Minor Variation application pertaining to Premises License LN/200800580 and the requisite documentation pertaining to alcohol stockroom layout and fire exit of the said retail premises Appendix 2.

Recent Inspection History:

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- 21/09/2016- Enfield Council's Licensing Team conducted a test purchase of nonduty paid Marlboro cigarettes from 41-43 Kempe Rd EN1 4QT.
- 23/09/2016- Enfield Council's Licensing Team seized 134 bottles of non-duty paid alcohol,16 packets of non-duty paid cigarettes and 500g of Hand-rolling tobacco from 41-43 Kempe Rd EN1 4QT and from the storage at the adjacent retail premises situated at 45 Kempe Rd EN1 4QT.
- 14/10/2016-Enfield Council's Licensing Team issued an advisory/warning letter pertaining to the non-duty paid alcohol and tobacco that was seized on 23/09/2016 to Aydin Salman. Appendix 2a
- 02/12/2016: Enfield Council Trading Standards Team conducted test-purchase of cigarettes from Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT.
Result: Compliant. There was no sale of non-compliant cigarettes on 2/12/2016
- 06/12/2016: Enfield Council Trading Standards Team conducted an inspection to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT with the aim of ascertaining whether the retail premises were selling illegal tobacco.
Result: Compliant. There was no illegal tobacco found on 06/12/2016.
- 28/06/2017: Enfield Council's Trading Standards issued advisory/warning letter on 28th June 2017 to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT regarding an enquiry received pertaining to the alleged sale of single cigarettes to under aged persons. Appendix AB3
- 16/04/2019- Enfield Council's Trading Standards issued an advisory /warning letter on 16th April 2019 to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT pertaining to an enquiry received regarding the sale of alcohol to under aged persons. Appendix AB4
- 26/11/2020- Enfield Council's Trading Standards issued an advisory/warning letter on 26/11/2020 to Enfield Food & Wine, 41-43 Kempe Road, Enfield EN1 4QT pertaining to an enquiry received regarding the alleged sale of illegal tobacco. Appendix AB5
- 22/11/2021- A test-purchaser from Red Snapper Group conducted a test purchase of cigarettes from Enfield Food & Wine- 37-39 Kempe Rd Enfield EN1 4QT (now known as 41-43 Kempe Rd, Enfield EN1 4QT and purchased two packets of Marlboro Gold cigarettes for £17.00. The afore-mentioned cigarettes are alleged to breach the Standardised Packaging of Tobacco Regulations 2015 and The Tobacco Related Products Regulations 2016 and Section 136 & 144 of the Licensing Act 2003. Appendix AB6

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- 17/2/2022 - Enfield Council's Trading Standard Team, a dog handler and specialist sniffer dogs from Wagtail UK Ltd conducted unannounced inspections to retailers in the borough of Enfield aiming to crackdown the sale/possession of illegal tobacco as part of Op Cece.

At approximately, 12:44HRS, the afore-mentioned conducted an inspection to Enfield Food & Wine now known as 37-43 Kempe Rd Enfield. Officers showed credentials and explained the nature of the inspection to a female of Mediterranean appearance whom identified herself as Mrs Sultan SALMAN Owner of Enfield Food & Wine. Mrs SALMAN first language was not English and therefore, her son whom was seated behind the shop counter (Diyar SALMAN) translated during the inspection. Midway through the inspection, a male of Mediterranean appearance whom identified himself as Aydin SALMAN arrived at Enfield Food & Wine, 37-43 Kempe Rd Enfield EN1 4QT. Officers showed their credentials and explained the nature of the inspection to Aydin SALMAN whom stated he was the Designated Premises Supervisor.

Approx.150 cigarettes, 44 Hand Rolling Tobacco were seized because they were suspected of being counterfeit. 72 cigarettes & 1 Hand-rolling tobacco were seized because they were found to breach The Standardised Packaging of Tobacco Regulations 2015, The Tobacco Related Products Regulations 2016, Section 136 and Section 144 of the Licensing Act 2003

Appendix- AB7 Notice of Seizure and Notice of Powers

Appendix AB8- Photos of the Non-compliant seized tobacco

For the purposes of this hearing, the focus should be on the 72 packets of non-duty paid cigarettes and 44 pouches of hand rolling tobacco, which were seized to gain authenticity.

- Mrs Sultan SALMAN and Aydin SALMAN attended a formal PACE interview under the provision of the Police and Criminal Evidence Act in regards to the following alleged offences: -

Section 136 of the Licensing Act 2003 alleged breach of the following premises licence conditions: -

Condition 16. Alcohol and tobacco stock shall only be purchased from Registered wholesalers.

It is alleged that the 72 cigarettes and 1 Hand-rolling tobacco breached the Standardised Packaging of Tobacco Regulations 2015 and The Tobacco Related Products Regulations 2016 because the packaging was not in the requisite Pantone colour i.e. Pantone 448c, not in English and/or Non-duty paid. Thus, the alleged breaches indicate that the non-compliant tobacco was not purchased from a registered wholesaler.

Condition 17. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked

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'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

During the inspection on 17/2/2022, Officers found the non-compliant tobacco behind the shop counter of Enfield Food & Wine. There was no container that stated 'Tobacco Stock'.

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

During the inspection on 17/2/2022, Officers found the non-compliant tobacco behind the shop counter of Enfield Food & Wine. The alleged non-compliant tobacco was not found in the Tobacco gantry.

Section 144 Licensing Act 2003.

It is alleged that Enfield Food & Wine was in possession of imported tobacco without payment of duty or which have otherwise been unlawfully imported.

During the interview Mrs Salman accepted she purchased from an itinerant trader which she explained was for personal use only and was stored behind the shop counter.

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

On 17th February 2022, Officers seized tobacco products alleged to breach Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015, in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and /or did not have the requisite number of cigarettes within the packaging i.e. 10 cigarettes instead of the requisite 20 cigarettes

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

On 17th February 2022, Officers seized tobacco products alleged to breach Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling was not in English i.e. did not comply with the General warnings and information messages on tobacco products for smoking and/or General conditions applicable to all health warnings on tobacco products. Contrary to Regulation 48 of the Tobacco & Related Products Regulations 2016.

- 23/2/2022- Enfield Council's Licensing Enforcement Team conducted an inspection to Enfield Food & Wine to ascertain the change of address from 41-43 Kempe Rd Enfield to 37-43 Kempe Rd, Enfield and change of Aydin SALMAN's home address to

. Appendix AB9 Diyar SALMAN (son of Aydin SALMAN) was advised to submit a minor variation application to Enfield Council's Licensing Team. Appendix AB10

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- 28/2/2022-Enfield Council received a minor variation application from Aydin SALMAN of Enfield Food & Wine, 37-43 Kempe Rd, Enfield. Appendix AB11
- The estimated excise duty and VAT evaded on the 1040 sticks of non-compliant cigarettes is £434 and 1 50g pouch of hand rolling tobacco seized is £181.40. **Correction to report: it was confirmed it was 1440 sticks of non-compliant cigarettes which equated to £601, and the hand rolling tobacco equated to £18 not £181.40.**
- c. At this point the Chair checked that the licensee understood the situation and the interpreter, to which he responded “yes”.
- d. In conclusion:
Enfield Council’s Trading Standards Authority is of the opinion that as a result of the seizure of 134 bottles of non-duty paid alcohol, 16 packets of non-duty paid cigarettes and 500g of Hand-rolling tobacco on 23/09/2016, in addition to a subsequent seizure of non-duty paid tobacco on 17/02/2022 namely 72 packets of non-duty paid cigarettes and 1 packet of non-duty paid hand-rolling tobacco, it is therefore appropriate to recommend that this licence be revoked, even in the first instance.
If the LSC was minded not to revoke the licence it is requested that amendments be made to the licencing conditions as such that non-duty paid tobacco and alcohol must not be stored or sold from the premises of from any motor-vehicle.

In response, the following comments and questions were received:

1. Cllr Taylor referred to the interview under caution and questioned if Mrs Salman bought the cigarettes and tobacco at the same time. Amanda stated that during the PACE interview Mrs Salman confirmed they were purchased from the trader.
2. Cllr Hamilton queried why the licence review was not made sooner. Amanda advised that Enfield Council had decided that a minor variation was sufficient at that time. Following the inspections and subsequent seizures of goods on 17th February 2022, Trading Standards deemed it appropriate to submit an application to revoke the licence.
3. Cllr Levy made reference to the PACE interview to seek clarification that the owner of the business purchased tobacco from an itinerant trader. Amanda confirmed this was correct and that there were no receipts for all items under contention. Mrs Salman produced invoices/receipts for some of the tobacco, 150 cigarettes and 44 hand-rolling tobacco but not for the non-duty paid cigarettes and tobacco.
Some of the 150 cigarettes and 44 hand-rolling tobacco had been returned to Enfield Food & Wine and since compiling this application it had been decided that the remainder will also be returned now they had been confirmed as genuine.

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4. Ellie asked if Mrs Salman is the owner of the shop and it was confirmed that it is a limited company and Mrs Salman is a Director as well as the owner. The licence is in Mr Aydin Salman's name.
Ellie also asked if the purchases she made were for personal use, to which Mrs Salman confirmed they were.

The statement from the Licence holders:

5. Mrs Salman stated that if she did any wrongdoing she apologises and regrets it.
6. Mr Salman felt that Ellie had approached him as if he was already guilty and judged him the same category as his brother's offence. He stated the Ordnance offence should be treated separately. He had not been part of those activities. During the meeting with Amanda he had said more attention would be made to running the business properly and more effort put in to not repeat the same mistakes.
7. Mrs Salman echoed these remarks stating she was now more cautious and responsible. She was making more effort to be in the shop alongside her son.

Mr & Mrs Salman responded to questions as follows:

8. Cllr Taylor sought some clarification around the purchase made by Mrs Salman. Mrs Salman confirmed the purchase was made on the day of the inspection, it was a family not an individual and she felt sorry for them. She cannot remember exactly how much she paid but was around £250 and she used cash from her purse to pay. She felt sorry for the family and purchased out of sympathy.
9. Cllr Levy acknowledged that Mr and Mrs Salman were trying to get things right however Mr Salman had been the DPS for more than ten years so how long do they need to get things right. Mr Salman responded saying that after the 2016 incident where goods were seized he tried to make improvements from then onwards. When asked why was there another issue in 2022, Mr Salman responded saying he was not present when the situation happened due to being at the cash & carry. Mr Salman advised he is in the shop about 5-6 hours per day.
Mr Salman was reminded that as the DPS he was responsible for the licence, even when at the cash & carry.
10. Cllr Levy asked Mr Salman if he disputes anything in the licence review application. Mr Salman responded saying no, stating that all products other than what Mrs Salman purchased have invoices.
11. Cllr Levy asked Mrs Salman what her role is in the shop. Mrs Salman stated she opens up, lays out newspapers, when her son comes in she does cleaning inside and outside and stocks shelves. She doesn't want to leave her son alone.
Cllr Levy continued by asking why she didn't use the stock in the shop instead of paying someone she doesn't know a lot of money. Mrs Salman said Cllr Levy has a point. First they came with rings and gold to sell, saying they were going back to their country to attend a funeral and needed to buy tickets.

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12. Cllr Hamilton said the conditions set from the inspections were not met, to which Mrs Salman responded saying it was due to lack of knowledge and she has learnt more now.
13. Cllr Taylor said it was strange for a business that sells cigarettes to buy cigarettes for £250 given that the excise and VAT should be over £600 so would be a loss to the seller. Mrs Salman said it was the way they came to us, they seemed stranded.
14. Ellie asked Mrs Salman which brand of cigarettes she smokes and if she has any on her today. Mrs Salman said it varies and she did not have any as last time she came to the Civic Centre it was non-smoking so left them in the car.

The summary statement of Ellie Green, Principal Licensing Officer:

15. Having heard these representations from both parties, it is now for the LSC to consider whether the review application is appropriate and in support of the licensing objectives.
16. The licensing sub-committee must decide whether to:
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence [Act s.52]
 - or, to make no changes.
17. Page 25 onwards of the report states the relevant policy and guidance sections relating to the review, but to re-iterate the Guidance states that 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. 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.

The summary statement of Amanda Butler, Senior Fair Trading Officer:

18. On two occasions illegal tobacco was found and seized from Enfield Food & Wine. As PLH and DPS, Mr Salman is responsible for ensuring the licensing conditions are adhered to. A warning letter was sent in 2020 outlining the seriousness of illegal tobacco on the premises. Mr Salman stated he did not receive this letter. It was noted a copy was included in the pack.
19. Enfield Council consider the illegal tobacco trade as a strategy to feed into the public health agenda and tobacco control strategy, to prevent deaths as a result from smoking illnesses. Illegal tobacco and cigarettes are known to be smuggled into the UK to be sold for high profit margins with blatant disregard to compliance with product safety legislation. It is Enfield Council's Trading Standards stance to request revocation of the premises licence even in the first instance; if the LSC was not minded to revoke the

LICENSING SUB-COMMITTEE - 27.4.2022

licence to refer to page 34 paragraph 5.1-5.2, which requests that the licence be suspended until the following actions have been completed:

- Full compliance with the licence conditions has been demonstrated.

Trading Standards make the following recommendations regarding amendments to the licence conditions:

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

20. This licencing review application is in accordance with the licensing objective to prevent crime and disorder.
21. The PLH in summary said they leave the panel to their verdict and they are sorry.

The panel retired to consider the application.

RESOLVED that

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

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

2. The Chair made the following statement:

“Having heard all of the evidence provided by Trading Standards, the Licensing Sub-Committee (LSC) are persuaded that the promotion of the licensing objective – prevention of crime and disorder – requires them to revoke this licence.

The licence holder has been in place for 13 years and has been the Designated Premises Supervisor (DPS) for 11 years. He should now fully know how to operate his licence within the law and promoting the licensing objectives.

The owner and licence holder have not challenged any of the evidence, except that they state that the warning letter sent 26/11/2020 was not received.

The LSC appreciate that the owner and licence holder have apologised for the most recent purchase of non-duty paid goods in 2022 and the sale of non-duty paid products in 2021.

The LSC have not considered any of the evidence relating to Baris Salman (brother of Aydin Salman) in deciding this review application.”

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

MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
6 July 2022

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Consideration of suspension or revocation of a Personal Licence</p> <p>WARD : Not applicable</p>	

1. ISSUES UNDER CONSIDERATION

- 1.1 The Licensing Sub Committee (LSC) are asked to consider the suspension or revocation of a personal licence following a conviction of a relevant offence by the holder of that licence.
- 1.2 Since 06 April 2017, a Licensing Authority which issued a Personal Licence is now able to suspend (for up to 6 months) or revoke the Personal Licence where the Licensing Authority becomes aware that an individual holding a personal licence has been convicted of a "relevant offence" or a "foreign offence". A "foreign offence" being an equivalent offence committed in any place other than England and Wales. A list of relevant offences is attached at Annex 1.
- 1.3 Where the Licensing Authority becomes aware that a holder of a Personal Licence has been convicted of a relevant offence or foreign offence, a Notice must be sent to the holder of a Personal Licence inviting the Personal Licence Holder to make representations regarding the conviction within 28 days. This notice cannot be sent until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it must be decided and the conviction upheld in order for the Licensing Authority to exercise its powers.
- 1.4 This notice can be issued by the Licensing Team Manager at the expiry of the 28-day period. The Licensing Authority must then determine whether or not to Suspend or revoke the licence. Where the Licensing Authority is minded not to revoke the licence, it must notify the Commissioner of the Metropolitan Police of this decision. The Commissioner may make representations within 14 days of being notified of the Licensing Authority's proposed decision. A final decision on the suspension/revocation of the Personal Licence can be made after the expiry of the 14-day period. The Personal Licence Holder may appeal the decision to the Magistrates Court.
- 1.5 The Policing and Crime Act 2017 nor the Licensing Act 2003 does not set out any hearing procedures for determining whether or not to suspend/revoke Personal Licences. The Section 182 Guidance issued by the Secretary of State specifies at paragraph 4.45 that a Licensing Committee or LSC should determine the application to revoke a Personal Licence. However, it does not specify whether or not a hearing needs to take place.

- 1.6 The Personal Licence Holder should inform the local authority and the Court should also be informing the local authority of the conviction. After the licensing officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the LSC to consider whether the licence should be revoked or suspended.
- 1.7 A Notice must be given to the Licence Holder confirming the intention to take the matter to LSC for consideration. Officers also collect any additional information that may be relevant to the case. The licence holder has 28 days to provide any relevant information as explained in the notice. Representation made by the licence holder will be taken into account along with any other information received from the officer's investigation. This could involve any evidence and statements provided by the Police or Home Office in regards to the circumstances surrounding the conviction.
- 1.8 A report will be produced for the LSC detailing the conviction and relevant offence, information supplied by the Licence Holder and any further information gathered during the course of the investigation. A Sub-Committee hearing will be held where the report will be presented and the Licence Holder invited to attend to provide a submission and answer any questions from members.
- 1.9 Members will have the option of 3 decisions that can be made:
 - To take no action
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke the personal licence
- 1.10 If the decision made is to take no action, or suspend the personal licence, the officer must then notify the chief of police and/or Home Office of the decision and give them 14 days to make any comments.
- 1.11 If Police and/or Home Office respond and ask for the revocation of personal licence, a second hearing will be held for members to consider the original information, the new representations from the Police or Home Office, any representations from the licence holder and give a final decision. Following consideration of the new information, the same three options apply:
 - To take no action
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke the personal licence
- 1.12 If no response is received from Police or Home Office, or the response indicates it is for information only, then the LSC will need to confirm if the original decision stands. This may be done without a second hearing but they may decide to convene a second hearing. All communication on this matter will be in writing.
- 1.13 Once a final decision has been made, a decision letter will be sent to the Licence Holder, Police and/or Home Officer detailing the decision made and reasons for it. The licence holder is the only that can appeal and will have 21 days to appeal to Magistrates.

2.OFFICER REPORT:

- 2.1 The report of the Licensing Team Manager is produced in Annex 2 (sensitive).

3. RELEVANT REPRESENTATIONS:

3.1 No representations have been received in response to the Notice by the Licence Holder.

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

Contact Officer :
Ellie Green on 0208 1322 128

Annex 1

Personal Licence: Relevant Offences

In accordance with Schedule 4 of the Licensing Act 2003

1 An offence under this Act.

2 An offence under any of the following enactments—

(a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);

(b) the Licensing Act 1964 (c. 26);

(c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);

(d) section 13 of the Theatres Act 1968 (c. 54);

(e) the Late Night Refreshment Houses Act 1969 (c. 53);

(f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);

(g) the Licensing (Occasional Permissions) Act 1983 (c. 24);

(h) the Cinemas Act 1985 (c. 13);

(i) the London Local Authorities Act 1990 (c. vii).

[F12A An offence under the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.]

3 An offence under the Firearms Act 1968 (c. 27).

4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.

5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—

(a) section 1 (theft);

(b) section 8 (robbery);

(c) section 9 (burglary);

(d) section 10 (aggravated burglary);

(e) section 11 (removal of articles from places open to the public);

(f)section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;

(g)section 13 (abstracting of electricity);

(h)section 15 (obtaining property by deception);

(i)section 15A (obtaining a money transfer by deception);

(j)section 16 (obtaining pecuniary advantage by deception);

(k)section 17 (false accounting);

(l)section 19 (false statements by company directors etc.);

(m)section 20 (suppression, etc. of documents);

(n)section 21 (blackmail);

(o)section 22 (handling stolen goods);

(p)section 24A (dishonestly retaining a wrongful credit);

(q)section 25 (going equipped for stealing etc.).

6An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

7An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—

(a)section 4(2) (production of a controlled drug);

(b)section 4(3) (supply of a controlled drug);

(c)section 5(3) (possession of a controlled drug with intent to supply);

(d)section 8 (permitting activities to take place on premises).

[F27AAn offence under any of the Immigration Acts.]

8An offence under either of the following provisions of the Theft Act 1978 (c. 31)—

(a)section 1 (obtaining services by deception);

(b)section 2 (evasion of liability by deception).

9An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)—

(a)section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);

(b)section 170B (taking preparatory steps for evasion of duty).

10An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)—

(a)section 8G (possession and sale of unmarked tobacco);

(b)section 8H (use of premises for sale of unmarked tobacco).

11An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).

12An offence under the Firearms (Amendment) Act 1988 (c. 45).

13An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—

(a)section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);

(b)section 107(3) (infringement of copyright by public performance of work etc.);

(c)section 198(2) (broadcast etc. of recording of performance made without sufficient consent);

(d)section 297(1) (fraudulent reception of transmission);

(e)section 297A(1) (supply etc. of unauthorised decoder).

14An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)—

(a)section 3A (causing death by careless driving while under the influence of drink or drugs);

(b)section 4 (driving etc. a vehicle when under the influence of drink or drugs);

(c)section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

[F3(d)section 6(6) (failing to co-operate with a preliminary test).]

15An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol—

(a)section 14 (selling food or drink not of the nature, substance or quality demanded);

(b)section 15 (falsely describing or presenting food or drink).

16An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

17An offence under the Firearms (Amendment) Act 1997 (c. 5).

[F418A sexual offence, being an offence —

(a)listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 **F5**, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

[F6(aa)listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);]

(b)an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

(c)an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).]

[F719A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).]

[F819AAn offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).]

[F919BAn offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).]

20An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

[F1021An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.]

[F11[F1222]An offence under the Fraud Act 2006.]

[F1322ZAAn offence under any of the following provisions of the Violent Crime Reduction Act 2006—

(a)section 28 (using someone to mind a weapon);

(b)section 36 (manufacture, import and sale of realistic imitation firearms).]

[F14[F1522A]An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

23An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.]

[F1623AAn offence under any of the following provisions of the Psychoactive Substances Act 2016—

(a)section 4 (producing a psychoactive substance);

(b)section 5 (supplying, or offering to supply, a psychoactive substance);

(c)section 7 (possession of psychoactive substance with intent to supply);

(d)section 8 (importing or exporting a psychoactive substance).]

[F1723BAn offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).]

[F1824An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

25An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

26The offence at common law of conspiracy to defraud.]

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

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