

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 13 SEPTEMBER 2023**

COUNCILLORS

PRESENT Mahym Bedekova (Chair), Doug Taylor (Vice Chair), and Jim Steven.

OFFICERS: Ellie Green (Licensing Team Manager), Charlotte Palmer (Senior Licensing Enforcement Officer), Tayo Hasan (Legal Adviser), and Harry Blake-Herbert (Governance Officer).

Also Attending: Jade Haynes (Police Sargent Licensing), Derek Ewart (Police Officer), and Adey Wilkins (Police Officer).

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Cllr Fallart who was substituted by Cllr Steven.

2 DECLARATION OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

3 MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meetings held on Wednesday 26 July 2023 and Wednesday 9 August 2023.

4 CARPATHINA LTD - 337 BOWES ROAD, N11 1BA

On 19 June 2023, a new premises licence application was submitted to Enfield's Licensing Team, naming Mr Stefan Razvan Ene as the premises licence holder (PLH) and the proposed Designated Premises Supervisor (DPS).

NOTED:

1. The Introduction by Ellie Green, Licensing Team Manager, including:
 - a. On 8 March 2018, a new premises licence (LN/201700925) was issued, without objection, to Carpathina Ltd, of which Mr Iulian Frasinescu was Company Director. Mr Iulian Frasinescu was also the

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named Designated Premises Supervisor (DPS), since the licence was issued.

- b. A minor variation application was submitted on 18 September 2018 at the request of Licensing Enforcement, following a seizure of illicit tobacco. The application was granted with modified conditions on 3 October 2018. Premises Licence (LN/201700925) permitted: Hours the premises are open to the public: From 06:00 to 22:00 daily. Supply of alcohol (off supplies only): From 11:00 to 22:00 daily. A copy of the premises licence can be found in the report pack.
- c. On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201700925. The review application was submitted in relation to the prevention of crime and disorder licensing objective, as smuggled goods, i.e., non-duty paid cigarettes, had been found on the premises for a second time; and revocation was sought. On 18 March 2020, the Licensing Sub-Committee resolved to revoke premises licence. A copy of the Decision Notice is in the report pack.
- d. This Decision Notice was subsequently appealed to the Magistrates Court. The appeal hearing took place on 17 March 2022 and the outcome of the court was to uphold revocation of the licence.
- e. On 19 June 2023, a new premises licence application was submitted to Enfield's Licensing Team, for the premises known as Carpathina, located at 337 Bowes Road, N11 1BA, naming Mr Stefan Razvan Ene as the premises licence holder (PLH) and the Designated Premises Supervisor (DPS).
- f. The new premises licence application seeks the following licensable activity: Hours the premises are open to the public: From 07:00 to 21:00 Monday to Saturday and from 09:00 to 21:00 Sunday. Supply of alcohol (off supplies only): From 07:00 to 21:00 Monday to Saturday and from 09:00 to 21:00 Sunday. A copy of the new premises licence application is in the report pack.
- g. Carpathina operates as a grocery store.
- h. Representations were made by/ received from the Metropolitan Police and Enfield Licensing Authority.
- i. The findings within the representations of the Police and Licensing Authority, made connections between Mr Razvan and Mr Frasinescu, and it is believed that the latter is the uncle of the former.
- j. Mr Razvan had indicated that he could not see how he could operate the business without Mr Frasinescu being involved, which concerns the Police and Licensing Authority, thus their objections in full to the application. They set out that the Crime and Prevention, Public Nuisance and Prevention of Children from Harm, licensing objectives are not met by the application.
- k. Mr Razvan has not responded in full to either of these representations. The only correspondence received is from Mr Razvan's agent, asking some questions of the Responsible Authorities. That email is produced in the report pack. The agent representing the applicant had confirmed

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that neither party would be attending the hearing, and they were aware that the application would proceed in their absence.

- I. Those in attendance were introduced, the order of representations was outlined, and all parties would have a limit of 5 minutes to speak.

2. In response, the following comments and questions were received:

- a. The Chair queried with reference to pages 87-88, whether it was still the case that no evidence of ownership had been received, and asked for confirmation that the court costs had still not been paid.
- b. Officers confirmed that nobody had received any responses to their questions from the applicant/agent, and that the court costs were still outstanding.

3. Jade Haynes, Police Sargent Licensing, made the following statement:

- a. The application for a new premises licence, for the premises known as Carpathina, was submitted in the name of Mr Stefan Razvan Ene, but Companies House records show that Mr Frasinescu is still the company director for the premises.
- b. The premises was licensed previously under the same trading name, and this licence was revoked following a review hearing, due to non-duty paid tobacco being repeatedly sold.
- c. On 29 October 2019, Trading Standards attended part of an operation run by Enfield Council and a large number of non-duty tobacco was uncovered and seized.
- d. The previous licence for the premises went to review on 18 March, and the Licensing Sub-Committee made the decision to revoke the licence. Mr Frasinescu was the PLH and DPS at this time.
- e. The Police carried out various checks, and assessed the application and operating schedule submitted by the applicant, which outlined the steps to be taken to ensure the licensing objectives were promoted.
- f. The Police identified 5 instances which linked Mr Stefan Razvan Ene to the previous PLH, Mr Frasinescu. These instances are from after/since the licence was revoked for the premises, when Mr Frasinescu was the owner.
- g. The phone number used/given in these instances is the one provided by Mr Stefan Razvan Ene in the application, but is also associated with Mr Frasinescu, the previous owner.
- h. One of the instances states that Mr Stefan Razvan Ene is Mr Frasinescu's nephew.
- i. Another of the instances is for a different premises, where illicit tobacco was found, which Mr Frasinescu is also in charge of. The continued breaches/ undermining of the licensing objectives after/despite licence revocation, and the links between the two men as they/it relates to the new application, gives the Police concerns.
- j. Within the Police's written representation, questions had been asked of Mr Stefan Razvan Ene, as to how he would ensure that the premises

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previous issues would not be repeated. Mr Stefan Razvan Ene had been asked how Mr Frasinescu's involvement would be mitigated/ what measures would be put in place to ensure the sale of illicit tobacco did not occur. Mr Stefan Razvan Ene had previously responded that he alone would be in sole control of the running of the business. However, given the PLH did not live locally, may not be at the store every day, and had said that Mr Frasinescu's involvement in the business was needed, concerns remained.

- k. Ellie Green added that the area/town that the applicant lives in is Slough.

4. Charlotte Palmer, Senior Licensing Enforcement Officer, made the following statement:

- a. The Licensing Authority is keen to ensure, given the history of illegal activity, that those connected with the premises previously, are no longer involved in the business before any new license is granted.
- b. The Licensing Authority has no confidence in the applicant's ability or willingness to trade legally.
- c. None of the information requested in the Licensing Authority representation dated 22 June, has been provided.
- d. Having seen the Police licensing team representations, it is apparent that Mr Stefan Razvan Ene, the current applicant and Mr Frasinescu, the previous licence holder, are connected and that Mr Frasinescu still has a business interest in the premises.
- e. Companies House had been checked that morning, and it still showed Mr Frasinescu as the director of the company. It was not the case of the business having been sold to a new, unconnected person, but that the applicant is the nephew of the previous licence holder.
- f. From the correspondence with the applicant's agent, it is clear that Mr Frasinescu is still connected to the business.
- g. The contact number provided on the application, appears on the police database as being associated with Mr Frasinescu.
- h. The history of the premises and previous licence review is therefore relevant.
- i. The Licensing Authority is concerned that this application may have been made in the name of Mr Frasinescu's nephew, as he knew that he would not have been granted a licence in his own name, due to his history, but that he is still the person in control of the business.
- j. If Mr Frasinescu is still connected to the business, the licensing authority is concerned that the same problems regarding nonduty paid goods will occur. The licensing authority therefore objects to the application in its entirety.
- k. Were the Licensing Sub-Committee minded to grant the licence in full or part, the Licensing Authority recommend that conditions be added, as set out in the report pack. Mr Razvan has not indicated agreement to the conditions sought by the Licensing Authority. The applicant offered some additional conditions. Those conditions are produced in the report pack.

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5. In response, the following comments and questions were received:

- a. Cllr Taylor enquired whether if the applicant and previous owner did not have the proximity they did, would the Licensing Authority have felt that any involvement from Mr Frasinescu, would have been a material issue.
- b. Charlotte Palmer responded that Mr Frasinescu was still the director of the company, regardless of the family relationship. Mr Frasinescu being associated with the business, potentially buying goods, which could include tobacco, despite his previous involvement in illegal activity, was a concern to them. If he were still involved in the business and potentially purchasing goods, they would still object, even without the family relationship.

6. The following closing summaries/ points were made:

- a. Ellie Green outlined the options available to Members of the committee to make, and directed them to the relevant guidance.
- b. Jade Haynes, Police Sargent Licensing, said that the Police believed that if granted, the licensing objectives would be ignored, and Mr Frasinescu would play a role in the daily running of the business. They believed that Mr Stefan Razvan Ene as a family member, had applied for the license, knowing that had Mr Frasinescu applied himself, it would have been rejected. The director of the company is shown as Mr Frasinescu, and the telephone number provided by Mr Stefan Razvan Ene on the application, is believed to be Mr Frasinescu's, and no response/ explanation has been provided as to why this is. After the previous licence being revoked, Mr Frasinescu has continued to undermine the licensing objectives at another premises, in which he is also involved as the company director. The Police have no confidence of the licensing objectives being upheld, they object to the application in full, and request that it be denied, under the licensing objectives.
- c. Charlotte Palmer, Senior Licensing Enforcement Officer, expressed that given the history of the premises, the licensing authority is keen to ensure the previous licence holder is no longer involved in the business before any new licence is granted. It is clear that Mr Frasinescu is still connected to the business and as such the licensing authority still rejects to the application.

The Chair thanked everyone for their time and adjourned the meeting at 10:23, whilst the committee went away to deliberate. The Panel retired, with the legal adviser and committee administrators, to consider the application further, and then the meeting reconvened in public at 11:17.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that the application be **REFUSED**.

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The Chair made the following statement:

“The applicant not having attended the hearing and the Licensing Sub-Committee having read and listened attentively to the written and oral representations for the Licensing Authority and the Police which both objected to the application for a new premises licence.

The Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives in relation to the prevention of crime and disorder and protection of children from harm is to refuse a new premises licence at the premises known as Carpathina, also referred to in the application as Carpanthina, situated at 337 Bowes Road London, N11,1BA.

In addition, no supporting documentation has been provided to support the application that Mr Stefan Razvan Ene would have full control of the business. The Licensing Sub-Committee is not satisfied Mr Stefan Razvan Ene would prevent Mr Iulian Frasinescu from engaging in illegal conduct associated with non-duty tobacco, which is detrimental to achieving the licensing objectives due to breaches at this premises in the past and due to his involvement in illegal activity.”

The Chair thanked everyone for their time and the meeting ended at 11:19.