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LICENSING SUB-COMMITTEE

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Wednesday, 13 September 2023 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors: Mahym Bedekova (Chair), Doug Taylor (Vice Chair), and Peter Fallart.

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATION OF INTEREST

Members are asked to declare any disclosable pecuniary, other pecuniary or non-pecuniary interests relating to items on the agenda.

3. MINUTES OF PREVIOUS MEETING (Pages 1 - 24)

To receive and agree the minutes of the meeting held on Wednesday 26 July 2023 and Wednesday 9 August 2023.

4. CARPATHINA LTD - 337 BOWES ROAD, N11 1BA (Pages 25 - 100)

New Premises Licence Application

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). (Members are asked to refer to the part 2 agenda).

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**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 26 JULY 2023****COUNCILLORS**

PRESENT Mahym Bedekova (Chair), George Savva MBE, and Edward Smith.

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

Also Attending: Robert Sutherland (Agent representing Ms Nuray Ozdemir (Maxi Food & Wine PLH and DPS)), Mahir Aydin (Atlas Licensing Agency), Jade Haynes (Police Sargent Licensing), Dani Jones (Police Sargent Licensing), Mr Baris Kisa (Southgate Food Centre PLH and DPS), David Tuitt (Representing Mr Baris Kisa), and officers observing.

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received.

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 meeting held on Wednesday 3 May 2023 as a correct record.

4 MAXI FOOD & WINE - 38 CHASE SIDE, SOUTHGATE, N14 5PA

On 30 May 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/200600265, at the premises known as and situated at Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA.

NOTED:

1. Ellie Green reminded the committee that the licence holder had previously requested an adjournment of the hearing, which was refused, and said that Mr Sutherland now wished to make a further request for an adjournment. Mr Sutherland expressed that:

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- a. The reason they had requested an adjournment was because he did not feel the circumstances/ situation had been set out/ explained as clearly as they could have been in the emails sent to the Licensing Team Manager.
- b. He conveyed that Ms Ozdemir was not present because she was in Turkey at her parents' memorial. Mr Sutherland said that Ms Ozdemir had also been suffering from ill health, and was due to be operated on the day of the hearing. He informed the committee that this had been postponed until August, as the recovery period would have prevented her from attending the ceremony, and that she would not be returning to the UK until early September.
- c. Mr Sutherland expressed that Ms Ozdemir wished to be in attendance for the hearing, as she did not accept a number of the allegations that had been made, and wanted to address the committee in respect of these. One such suggestion mentioned was that Ms Ozdemir was not often at the premises; she was said to refute this, and instead felt that she was there for long hours on a regular basis.
- d. Mr Sutherland reiterated that for the reasons he had outlined, they wished for the hearing to be adjourned in the interest of justice, to give Mr Sutherland the opportunity to be present, and he offered to show members of the committee a photo of the memorial if they would like to see it as evidence.

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

- a. The Chair offered her condolences to Mr Sutherlands client, and asked Ellie Green to confirm what reasons for an adjournment she had received in the emails.
- b. Ellie Green responded that she had received an email from Mr Kemal Altun at Happy Food Southgate, on 13 July, which only mentioned that Ms Ozdemir was going to Turkey for an operation. The email had been submitted in a template form, with details not having been inserted. Having gone back to them, Ellie said that the details came back on 14 July, with the review being submitted on 30/31 May, and notice of the review having been sent on 29 June, with hearings always taking place within two months of the notice being submitted.
- c. Cllr Savva extended his condolences to the family, he said that as Ellie Green had explained, his client had been aware of the meeting for many weeks, and that in his experience it takes a long period of time for the foundations at such a memorial to settle, and they would have been aware of this in advance. Cllr Savva asked for advice from legal as to the appropriateness of an adjournment.
- d. The Legal Adviser to the committee replied that from a legal perspective the requirement for an adjournment only arises if it is in the public interest, and that from a legal position, the request which had been received was not in the public interest. She offered her condolences to the family for their loss, and appreciated what they

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were going through. The Legal Adviser to the committee highlighted that the review notice was sent on 31 May, with notice of the hearing given of 29 June, thus the family would have been aware of circumstances regarding their parents' memorial, yet none of this information was provided in the original request, and that in any event it would have no bearing, as a representative could appear on their behalf. She clarified that this was the first hearing in relation to this application, and that another application regarding the same premises had been dealt with in January.

- e. Mr Sutherland conveyed that the application had not been adjourned previously, and that while he was capable of representing his client, he felt it was in the public interest that the hearing be adjourned so that Ms Ozdemir could be present and address the committee herself.
- f. The Chair expressed that she was aware of the details regarding the request for an adjournment, and that following advice from the legal adviser, her decision was that the hearing go ahead.

3. The Introduction by Ellie Green, Licensing Team Manager, including:

- a. The premises, Maxi Food & Wine, located at 38 Chase Side, Southgate, N14 5PA, has previously had a number of different: names, Premises Licence Holders (PLH), and Designated Premises Supervisors (DPS).
- b. On 26 October 2022, Trading Standards submitted a review of premises licence LN/200600265. The review application was submitted as Trading Standards believed that Mrs Aylin Yengin (the then PLH and DPS) was not promoting the prevention of crime and disorder licensing objective. A wide range of unlawful activity, as outlined in the agenda/report pack, had taken place whilst Mrs Aylin Yengin had been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The Licensing Sub-Committee determined the review application at a hearing on 4 January 2023, and the decision was made to suspend the licence for 3 months, and to modify the conditions.
- c. On Monday 12 December 2022, a transfer and vary DPS application was submitted to the Licensing Team, naming Ms Nuray Ozdemir as both the new premises licence holder and DPS. It is known that Ms Ozdemir is the sister of Mr Kemal Altun, who is the husband of Mrs Aylin Yengin. Later, on 4 January 2023, the transfer and vary DPS application which were not subject to any representations, were granted by officers in accordance with delegated powers, naming Ms Nuray Ozdemir as the PLH and the DPS.
- d. At the time the report was prepared, the premises licence LN/200600265 annual fee had been overdue since 27 June 2023, despite a reminder being sent on 1 May 2023. In accordance with Section 55A of the Licensing Act 2003, there was a 21-day grace period. If the annual fee, is still not paid, then a notice of suspension would be issued and then the licence suspended at least two working

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days after this. Suspension of premises licences are only lifted once all annual fee payments are up to date.

- e. The current premises licence LN/200600265 permits: The hours the premises are open to the public: 06:30 to 23:00 daily. Supply of alcohol (off supplies only): 06:30 to 23:00 daily.
- f. Enfield Licensing Team were made aware of a premises licence review in the London Borough of Haringey, with links to/ between persons at Maxxi Food & Wine 42 Topsfield Parade, London, N8 (Haringey) and this premises, Maxi Food & Wine, 38 Chase Side. On 30 May 2023, the Licensing Sub-Committee in Haringey resolved to revoke the premises licence of Maxxi Food & Wine 42 Topsfield Parade, London, N8.
- g. On 30 May 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/200600265.
- h. The review application was submitted as the Licensing Authority believes all four of the licensing objectives are being undermined, as a variety of unlawful activity is taking place at/from the premises, as outlined in the report pack.
- i. The review application seeks to revoke the premises licence in its entirety. The review application was advertised in accordance with the requirements of the Licensing Act 2003. Each of the Responsible Authorities were consulted in respect of the application.
- j. Representations were made by/ received from the Metropolitan Police, and a Southgate Ward Councillor who could not be present and sent their apologies.
- k. A modification to Condition 16 had been proposed as follows, through this review process. Current Condition 16: No Nitrous oxide (laughing gas) should be stored or sold to consumers. Seeks amending to: Nitrous oxide (laughing gas) shall not be stored or sold to consumers from the premises, or any vehicles or storerooms associated with the premises. Ms Ozdemir had not indicated any indication to this amended condition.
- l. It was noted that the plan of the premises attached in annex B did not relate to Maxi Food & Wine, but instead a different premises.
- m. Those in attendance were introduced, the order of representations was outlined, and it was confirmed that all parties would have a limit of 5 minutes to speak.

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

- a. Cllr Smith asked if the premises was currently trading following its licence suspension.
- b. Ellie Green responded that the suspension had been lifted on 26 April, having come into effect 21 days after the hearing in January, for three months, which then lifted automatically, and that the licence suspension only related to the sale of alcohol.
- c. The Chair queried whether the premises annual licence fees had been paid.

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- d. Ellie Green replied that having checked the annual fee had not been paid, and that the 21 days were up, but that as she had been on leave, she had not yet sent the notice of suspension, but could send a notice, as the initial reminder letter was sent on 1 May 2023 and the annual fee licence period ended on 27 June 2023.

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

- a. A large number of complaints had been received alleging that the premises sells illegal tobacco and vapes, and sells nitrous oxide recklessly to members of the public including children. The nitrous oxide is alleged to be being stored in vans outside the premises; the nitrous oxide was said to be resulting in an increase in litter and antisocial behaviour in the area, and its sale undermines all four of the licensing objectives.
- b. On 16 February 2023, trading standards officers visited the premises, seizing a large quantity of vapes, tobacco and nitrous oxide. During this search, staff working at the premises lied to officers, saying that there was no more nitrous oxide in the premises, but more was later found. Whilst in the premises, a member of staff phoned the owner, who officers spoke to, but this was Kemal Altun, not the PLH or DPS. The manager, Mr Ahmet Karagoz refused to sign the seizure notice.
- c. Condition 16 preventing the sale of nitrous oxide was added to the licence following a premises licence review in January 2023, but did not come into force until 24 April.
- d. A test purchase in May 2023 resulted in the sale of nitrous oxide without any questions being asked. This constituted a breach of the licence condition, and the licensing authority is of the opinion that this also constituted a reckless sale, with no due diligence checks having been carried out. This sale was made just two weeks after the previous suspension was lifted.
- e. An inspection a month after the suspension was lifted showed failure to comply with other licence conditions, some of which were still not being complied with when this review application was hand delivered on 30 May.
- f. On 30 June, an out of hours licensing enforcement team observed the premises for just under an hour, and gave a conservative estimate that 30-40 people entered the premises and came out with carrier bags which contained items matching the shape and size of nitrous oxide cannisters, which could sometimes be seen. People were seen inhaling from balloons outside the premises, and in cars directly outside the premises; officers believe this may have impacted some drivers' ability to drive safely. These observations took place from 23:18 to 00:13, after the premises licensed hours. The licensing authority requested a copy of the CCTV footage from the premises be provided by 17 July, in line with condition 18 of the premises licence. The request was emailed to the premises licence holder and their agent; as the footage was not

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received, a second request was made on 18 July, and the footage has still not been provided.

- g. The licensing authority does not believe that the PLH who is also the DPS works at or has control of the premises, the member of staff working at the premises on 22 May said that they had worked there for 3 months and never met them. The licensing authority believes that the premises is controlled by Mr Kemal Altun, who has a long history of wrongdoing; that he knows he will not be granted a licence in his own name, and is applying for them through the names of family members, but is continuing to make the decisions.
- h. Due to the premises having a detrimental impact on the local community and all four of the licensing objectives being undermined, the licensing authority recommends the licence be revoked. If the committee were not minded to do so the licensing authority would recommend the nitrous oxide condition be amended as shown on page 14 of the report.

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

- a. Mr Sutherland expressed that the licence holder did not accept what was being said.
- b. The Chair responded that the licence holder had not even submitted a written statement/ representations explaining the situation or outlining her opinions.

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

- a. The Police Licensing team were made aware that the Enfield Licensing Authority were seeking a review of the premises, on the grounds that it had been selling nitrous oxide, despite a condition being added to the licence following a premises licence review hearing on 4 January, stating that no nitrous oxide should be stored or sold to consumers.
- b. It is further believed that the premises has been negligent in the sale of nitrous oxide, failing to exercise due diligence and being reckless in its sale of nitrous oxide, and knew or ought to have known that the nitrous oxide was being purchased to be used for the purpose of intoxication by inhaling.
- c. It is also suggested that the PLH and DPS, Ms Ozdemir, does not have overall supervision of the day to day running of the business, and is fulfilling this role in name only.
- d. The police support the local authority in this review, in that they feel all four licensing objectives are not being upheld.
- e. It is understood that these premises, due to their past activities and failings of the then PLH and DPS, Aylin Yengin, to uphold the prevention of crime objectives, were reviewed by the LBE trading standards, this review having been submitted on 26 October. While awaiting the review hearing scheduled for 4 January 2023, a premises licence transfer and DPS application, were submitted on 12 December

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2022. The review took place on 4 January and the decision notice shows the premises licence was suspended for 3 months, and additional conditions had been added to prevent the sale of nitrous oxide products once the suspension expired.

- f. Since the review on 4 January, 11 complaints have been received to the LBE from members of the public and trading standards alleging incidents of littering, anti-social behaviour, and nitrous oxide canisters continuing to be sold from the premises. Photographic evidence had been provided showing staff working at the premises including, Mr Ahmet Karagoz, unloading canisters.
- g. On 22 May 2023, members of the Police Licensing Team and Charlotte Palmer carried out a full licensing check of the premises and found the following non-compliant licensing conditions: 2, 9, 14, 17, 18 and 19.
- h. Mr Ahmet Karagoz was the interim DPS and is believed to be running another Maxxi Wine premises situated at 42, Topsfield Parade, N8, pending a DPS and PLH change from Ms Aylin Yengin. These premises have also been reviewed for a number of breaches of the licensing act, failing to uphold the licensing objectives and the prevention of crime and disorder, including the sale of nitrous oxide. The sub-committee met on 12 June 2023, and Haringey licensing sub-committee determined/ resolved to revoke the licence. The Police are of the view that Maxi Food & Wine is a family run business with Mr Ahmet Karagoz playing a leading role in the operations/ running of the businesses located at Topsfield Parade and Chase Side, and that these unlawful business practices are not independent. Mr Karagoz had knowledge of unlawful activity at Chase Side premises, acting as a manager, and taking part in lying to officers, leaving officers with no confidence/ trust in staff to uphold the licensing objectives.

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

- a. Cllr Smith asked what the relationship between Mr Karagoz and Mr Altun was.
- b. Police representatives responded that they were unsure of the relationship, but that Mr Karagoz was involved with the family in both premises, and that there was photographic evidence of him unloading goods into both premises.
- c. Charlotte Palmer queried if the Police had been called to the premises recently.
- d. Police representatives replied that a 999 call had been received regarding the premises at 05:44 on 23 July, which had become a regular occurrence, with 3 males fighting outside the premises. This was then taken inside, with 2 men running off and 1 man being arrested, and still under investigation. CCTV was requested at the time, but a copy could not be provided.
- e. Cllr Savva asked if the video had since been provided, and if the premises had worked with officers.

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- f. Police representatives responded that the 999 response officers who attended saw the video and made notes off the screen, but a copy of the video had not been received.
- g. Cllr Savva enquired if those involved were intoxicated.
- h. Police representatives replied that this could not be confirmed, but that it was in the early hours of the morning.
- i. Ellie Green asked if there had been any other ASB incidents since the police representation.
- j. Police representatives responded that ward officers had seen nitrous oxide cannisters on the street, and felt the premises were still selling it, but that proving this was difficult. They emphasised that it may not be solely the responsibility of this premises, but that it did seem to be contributing. Another incident at a local pub, which took place a few weeks ago, was believed to involve people taking nitrous oxide and spilling into the pub, with 999 calls in the area becoming frequent.
- k. Mr Sutherland queried whether there was a report documenting the incident mentioned as occurring on 23 July at 05:44, and whether it had been provided before the meeting.
- l. Police representatives confirmed that there was a report, which they could provide to Mr Sutherland, and that it had not been provided to the committee previously due to the fact that the incident had only taken place 3 days ago.
- m. Mr Sutherland asked where the incident started, suggested that the premises was a victim of the altercation. He made clear that there was no requirement for the premises to be closed at this time, and no evidence that alcohol had been sold.
- n. Police representatives replied that the incident started outside the premises; that they could not comment if the shop was a victim; if those involved had been into the shop before or were involved with it; and that the shop commonly attracted crime, disorder and anti-social behaviour. The officer said that there was no evidence that alcohol had been sold, that they were allowed to be open but that it was attracting anti-social behaviour, crime and disorder. The Chair followed up to ask how the premises was open at 05:44am when the opening time was set out as 06:30am. Ellie Green responded that these opening hours were not enforceable/ did not have to be complied with unless a licensable activity was taking place.
- o. The Chair enquired whether the police had requested CCTV.
- p. Police representatives responded that officers who arrived on seen at the time requested it, that they saw the footage but that no copy was provided.
- q. Mr Sutherland asked for confirmation that no written request for CCTV had been made. He said that the condition for providing such footage was subject to the Data Protection Act; that the shop were victims and had not acted unreasonably; that staff had shown the footage to the police, and he was sure the CCTV would be provided within a reasonable time frame.

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- r. Police representatives replied that it had not, that officers who attended had requested the footage and that it was a premises licensing condition that this be provided. They detailed how the licence states that CCTV footage should be retained for 31 days, that someone at the premises should be able to operate the system and provide copies when lawfully requested. The legal adviser added that the police had a right to request the data/CCTV where they consider criminal activity has taken place.
- s. Cllr Savva queried what charges had been brought against the individual who was arrested.
- t. Police representatives responded that the individual had been bailed, had gone to hospital due to some injuries following the fight, and was still under investigation.
- u. Mr Sutherland enquired about incidents similar to that which took place on 23 July occurring on a regular basis, and asked if there were any specific incidents which could be linked to the shop.
- v. Police representatives replied that ASB, crime and disorder in general in the area was taking place on a regular basis, that the premises was not solely to blame, that they did not have any specific examples relating to the shop, but that it was contributing to the issues.
- w. Mr Sutherland conveyed that the premises had said they were not selling nitrous oxide and had not been doing so for some time, and asked if there were any incidents beyond the test purchase which showed nitrous oxide was being sold. Mr Sutherland also expressed that nitrous oxide was being sold at other premises and vehicles in the area.
- x. Police representatives responded that the test purchase had proven the premises was still selling nitrous oxide, that there was not another confirmed example of it being sold, but that there was evidence of it in stock, and customers were seen leaving with bags resembling the same shape and size of the products in question. Police representatives replied that they were aware of nitrous oxide being sold at other premises, that in their personal experience they had not come across nitrous oxide being sold from vehicles. They said that vehicles were taking nitrous oxide to the premises in question, and that regardless of what other premises were doing, nitrous oxide was being sold and stored at this premises.
- y. Cllr Smith asked how much nitrous oxide had been found at the premises during the inspection.
- z. Charlotte Palmer directed members to page 76 of the report, to see what goods were seized and in what quantity.

9. Mr Sutherland, agent representing Ms Nuray Ozdemir, made the following statement:

- a. The premises was a family business, and there was a distinction to be made between ownership of the business and operation of the premises, and that while Mr Altun may be involved, Ms Ozdemir was

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very much the owner, and was at the premises on a near daily basis for many hours.

- b. No nitrous oxide was being sold at the premises since the licence was reinstated in April.
- c. The way to ensure nitrous oxide was not sold or stored at the premises was to maintain/ keep the premises licence in place. He said that the law was not in a place everyone agrees on in relation to nitrous oxide, that it is a lawful product to be sold, but that with regards to this premises licence, it was not permitted.
- d. In respect of the rewording of the condition, there were no objections to this.
- e. If the committee felt it was appropriate to suspend the licence, the owners would seek to comply with the terms of the licence.
- f. In respect of the CCTV, he had no doubt this would be provided, and that it was important the details of what was wanted were provided so that this could be achieved.
- g. He felt the way of ensuring the licensing objectives are promoted would be to modify the licence but not take further action at this stage.

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

- a. The Chair asked whether Mr Sutherland had been made aware that the outstanding fees had not been paid; if the premises had changed its name; if the premises were trading out of hours, and if nitrous oxide had been sold to children.
- b. Mr Sutherland responded that he was not aware that the annual fee had not been paid, but that he would ensure this was brought to the attention of the licence holder and resolved. In relation to the name change he said it would have been helpful if these changes have been made, they were brought to the attention of the licensing authority; that this was perhaps not lawfully wrong, but that it was not helpful/ did not give a good impression, and they would check this and get it corrected. In respect of the trading times, he said the store could open outside of the general opening times, as long as licensable activity was not taking place, and accepted that it had a negative impact on the area. Mr Sutherland reiterated that he had been informed/ instructed that nitrous oxide was not being sold, that the challenge 25 system was being operated at the premises, and all staff were trained.
- c. Cllr Savva expressed that Ms Ozdemir had plenty of time to make corrections since the last hearing in January, and that this should have been treated as a warning.
- d. Mr Sutherland agreed with this, he said that his clients had heeded and followed this; that there were inconsistencies between trading standards and the licence holder's version of events, and that nitrous oxide was not being sold at the premises.
- e. The legal adviser queried that a request for CCTV footage had been made by Charlotte Palmer on 30 June, before the 23 July incident, detailed on page 86 and that this had not been provided.

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- f. Mr Sutherland replied that he had no explanation for this.
- g. Charlotte Palmer enquired that in the decision notice at the last review, it says that Atlas Licensing would be carrying out test purchases of the premises, and she asked if they had carried out any nitrous oxide test purchases.
- h. Mr Sutherland explained that they did not have this information to hand, but that if one had been conducted, he probably would be aware of this.
- i. Charlotte Palmer asked why, if no sale of nitrous oxide had been taking place, the manager could be seen in a photo unloading nitrous oxide from a van as seen on page 67.
- j. Mr Sutherland asked when the photo was taken and it was confirmed to have been taken on 22 April, he said that premises would have been operating without a licence on that date, and had no further instructions.
- k. Charlotte Palmer queried what systems were in place to ensure nitrous oxide was not being sold by staff without the owner's knowledge.
- l. Mr Sutherland responded that Ms Ozdemir informed him she was at the premises on an almost daily basis for long hours, had not seen any sales, and had instructed staff that the licence must be complied with; and that behind her presence, he did not know of any additional systems. He was surprised and did not accept that a member of staff had said they did not know Ms Ozdemir.
- m. Charlotte Palmer enquired that she had made two requests for CCTV and had received no response, she asked why this may be the case, and if this would prove whether nitrous oxide had been sold on this date.
- n. Mr Sutherland agreed that if a lawful request for CCTV had been made, it should be provided; that he had not been instructed in relation to this, and that the CCTV would show what was sold.
- o. The Chair asked if the client had made him aware of nitrous oxide being unloaded into the store from a van.
- p. Mr Sutherland replied that his instructions were that the client did not accept this allegation to be the case.

11. The following closing summaries/ points were made:

- a. Ellie Green outlined the options available to members of the committee to make.
- b. Charlotte Palmer expressed that the licensing authority was of the opinion that the premises was recklessly selling nitrous oxide for recreational use and that this undermines all four of the licensing objectives. She highlighted the test purchase and photographic evidence of staff unloading nitrous oxide from a van to the premises. The premises was found to be selling other illicit goods such as unsafe vapes and tobacco by trading standards, which were seized in February, and were found to be breaching licence conditions. At least 15 complaints from at least 11 different sources have been received

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since the last review hearing, which demonstrates the effect this is having on the local area. The licensing authority does not believe that the PLH and named DPS is running the business. Two requests for CCTV have been made following the observations carried out on 30 June, both of which have been ignored; she argued this was likely the case because it would be damning evidence that would back up the allegations. The dangers to health along with all other reasons given left the licensing authority with no choice but to recommend in the strongest terms that the licence be revoked.

- c. The police representatives conveyed that they believed Ahmet Karagoz is involved in the family run Maxi Food & Wine business; that he is not independent in his business practices as illustrated through the evidence provided, relating to two premises, with unlawful activity taking place under his supervision. If allowed to continue trading, the police believe breaches of the licensing act and dubious business practices will continue; previous suspension has not acted as a deterrent, and they therefore asked that the licence be revoked.
- d. Mr Sutherland urged the committee to suspend the licence and modify conditions instead of revoking the licence.

The Chair thanked everyone for their time and adjourned the meeting 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.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that in order to promote the licensing objectives, the licence be **REVOKED**.

The Chair made the following statement:

“The Licensing Sub-Committee (LSC) having listened to and considered written and oral submissions made by the Licensing Authority, Metropolitan Police, a Southgate Ward Councillor and on behalf of the named Licence Holder in particular the evidence concerning previous activities at the premises including breaches to the licensing conditions and the law. The LSC are of the view that Mr Kemal Altun and/or Mr Ahmet Karagoz are the persons who are running the premises and thus the de facto persons in charge of the business and have been for a number of years. It is clear that the named Premises Licence Holder Ms Nuray Ozdemir is not in attendance at the premises as she does not appear to be known to the staff. The Premises Licence Holder 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 is able to or would be able to adhere to any licensing conditions imposed on the licence at Annex A (pages 23-28 of the Document

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Pack). Further, given the past history of a failure to adhere to the imposed licensing conditions and the licensing objectives which continued during the suspension of the licence 25 January to 24 April 2023 and more recently during the licence being re-instated the LSC do not consider there is a likelihood of compliance should the licence be permitted to continue to operate.

Accordingly, on balance, the LSC has made the decision to **REVOKE** Premises Licence (LN/200600265) held by Ms Nuray Ozdemir 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 all four of the licensing objectives and in particular that of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

It should be noted that **HAPPY FOOD & WINE, PREVIOUSLY KNOWN AS MAXI FOOD & WINE** can continue to operate at the Premises for any unlicensed activities and that there are no limits concerning unlicensed activities.”

The Chair thanked everyone for their time and adjourned the meeting following the completion of item 4 at 12:40, the meeting resumed at 13:30 for item 5.

5 SOUTHGATE FOOD CENTRE - 30-32 CHASE SIDE, LONDON, N14 5PA

On 30 May 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/200501160, at the premises known as and situated at Southgate Food Centre, 30-32 Chase Side, London, N14 5PA.

NOTED:

1. The Introduction by Ellie Green, Licensing Team Manager, including:
 - a. The premises, Southgate Food Centre, located at 30-32 Chase Side, London, N14 5PA, has previously had a number of different: names, Premises Licence Holders (PLH), and Designated Premises Supervisors (DPS).
 - b. On 21 May 2019, a transfer and vary DPS application which were not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Baris Kisa, as the Premises Licence Holder (PLH), and the DPS.
 - c. On 6 June 2023, Mr Kisa provided up-to-date address details to the Licensing Team, and the premises licence was subsequently amended. The premises has not been subject to any review or formal action under licensing previously.

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- d. The current premises licence LN/200501160 permits: The hours the premises are open to the public: 24 hours daily. Supply of alcohol (off supplies only): 24 hours daily. Late night refreshment (indoors): 23:00 to 05:00 daily.
- e. On 30 May 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/200501160. The review application was submitted as the Licensing Authority believe that the four licensing objectives were being undermined, with a range of unlawful activity taking place at/from the premises, as outlined in the report/agenda pack.
- f. The review application seeks to revoke the premises licence in its entirety. The review application was advertised in accordance with the requirements of the Licensing Act 2003. Each of the Responsible Authorities were consulted in respect of the application.
- g. Representations were received from a Southgate Ward Councillor, who was unable to attend and sent her apologies.
- h. If the committee were minded not to revoke the licence, additional conditions were sought, as set out in annex E on page 207 of the report/agenda pack, which had been agreed.
- i. A previous request for adjournment had been refused, following discussions with the Chair and legal adviser, as it was not in the public interest to do so.
- j. In point 1.1 of the report the premises was mistakenly referred to as Maxi, this oversight was acknowledged, and it should have read that Southgate Food Centre was the current name of the premises.
- k. Those in attendance were introduced, the order of representations was outlined, and it was confirmed that all parties would have a limit of 5 minutes to speak.

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

- a. Cllr Smith asked for clarification as to where in the report the representations submitted by the Ward Councillor could be found.
- b. Officers responded that this could be found on page 206 of the agenda pack.

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

- a. Following a complaint in July 2022 alleging that the premises was selling nitrous oxide, Trading Standards sent an advice letter to the PLH explaining the legislation regarding nitrous oxide and how to prevent illegal sales, and warning that this activity not be repeated.
- b. In October 2022, the premises was visited by Trading Standards Officers and nitrous oxide was found for sale. The licence holder was again advised not to sell it to anyone under the age 18, or anyone who may misuse it.

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- c. In November 2022, a full licence inspection was carried out, and five licence conditions were found not to be being complied with.
- d. The PLH's home address had changed, and he was advised to contact the licensing team to update his details. The premises licence holder has since updated his home address, but the Licensing Authority have requested evidence that he lives at the address provided, as Companies House lists his country of residence as Wales. Council Tax checks were carried out and found that Mr Baris Kisa was not registered at the address he had provided, nor had he been registered at that address previously. On 23rd July, an email was received from the licence holder's agent showing a copy of his personal licence which gave the premises address, and was different to the address he recently provided the licensing team. Still no evidence has been provided showing which address he is registered at.
- e. Further visits showed that the premises were still stocking nitrous oxide. In January 2023 the Premises Licence Holder was written to, and asked that, to help tackle the problem of anti-social behaviour in the area, they cease selling all nitrous oxide and amend their premises licence conditions to reflect this, but no such application was submitted.
- f. On 10 May 2023, an officer entered the premises to see if they would be sold nitrous oxide, and whether any checks would be carried out by staff to see why they wanted to buy it. The officer was sold a large cannister of nitrous oxide without question. The Licensing Authority believes that this constituted a reckless sale, given the failure to carry out any due diligence checks to ascertain whether the nitrous oxide was likely to be consumed by the person to whom it had been supplied, and that this undermines all four licensing objectives.
- g. Following this test purchase and a further complaint about the sale of nitrous oxide, another full licence inspection was carried out at the premises by council and police licensing officers, on 22nd May 2023. Several conditions were found not to be being complied with, most of these were the same conditions that were not being complied with when the previous inspection took place. Whilst at the premises, officers noticed: five boxes of nitrous oxide behind the counter (six cannisters per box), four loose cannisters on the shelf opposite, a box of nitrous oxide (six cannisters per box) behind the same counter, and packets of balloons on a shelf under the counter and hanging up opposite the counter. Officers spoke at length to a member of staff about the dangers of nitrous oxide and who it could/could not be sold to; when asked this member of staff said that there was no more nitrous oxide in the premises, but officers found five more boxes of nitrous oxide (six cannister per box) in the toilet area. Whilst in the premises, police officers witnessed a male enter, walk up to the counter, and say to staff "got any balloons mate?" After seeing the police officers, he purchased a packet of balloons from the display, and as he left said "it's alright mate I'm a chef" and laughed.
- h. Since this review was submitted, further complaints have been received alleging that this premises sells nitrous oxide to those under

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the age of 18. The reckless sale of nitrous oxide is having a detrimental impact on the local area and all four licensing objectives are being undermined. The Licensing Authority lacks confidence in the ability or willingness of the licence holder and or his staff to uphold the licensing objectives and therefore recommends that the premises licence be revoked.

4. In response, the following comments and questions were received:
 - a. Cllr Savva queried whether the address of the PLH had now been established.
 - b. Officers responded that they had not, that on 23 July they had received information about the personal licence issued by another borough, which had the address of the premises; and that when the address provided to the licensing team Enfield for the premises licence was updated this was an address above the premises, but the council records do not show him as living there, and no further communication had been received.
 - c. Cllr Smith asked Mr Kisa to explain where he lived.
 - d. Mr Kisa replied that he lived in a sharing house, and always lost his letters, and so had given the shop address, to make sure he got them all. He said he did not have proof of his address but had a contract he could provide, but had not put his home address because he wanted to receive all communications at the store premises.
 - e. Cllr Savva, Cllr Smith, Charlotte Palmer and Ellie Green reemphasised that the committee wanted to know his residential address and not his correspondence address.
 - f. Mr Kisa said that he was in a sharing house in the Shoreditch area, not far away from his shop, but that he could not prove this as he did not use the address a lot, and would sometimes go to see his children.
 - g. The legal adviser and Ellie Green expressed that where his ordinary residence was different from the correspondence address, it was required that he provide his residence address. Charlotte Palmer asked if he lived at the address above the premises that he had provided on the premises licence.
 - h. Mr Kisa confirmed that he did not, but had an arrangement with the person who lived there, that the post be passed on to him.
 - i. Cllr Savva and Ellie Green confirmed that the information would stay confidential. Ellie Green expressed that the point had been made, and they would attempt to obtain this information after the meeting concluded.
5. Mr Tuitt, representing Mr Kisa, made the following statement:
 - a. The premises was a small convenience store selling a wide range of goods. Mr Kisa had accepted the proposed licence condition modifications.

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- b. He would not downplay the seriousness of the alleged sale and impact of nitrous oxide. That nitrous oxide was a national problem.
- c. He referred the committee to the guidance issued by the home office under section 182 of the licensing act and in particular paragraph 11.20 of the government guidance, which said that, 'is it expected that the licensing authority should in so far as is possible seek to establish the cause(s) of concerns that the representations identify'; 'the remedial action taken should generally be directed at these causes and shall always be no more than appropriate/proportional response to address the causes that instigated the review'.
- d. Mr Kisa was described as having agreed not to sell nitrous oxide, and it was felt that the proposed modifications would adequately promote the licence objectives that the council officers felt were being undermined.
- e. It was conveyed that the alleged breaches of licence conditions had been addressed and the agent, had provided proof of this, with the required notices having been displayed along with additional training for staff.
- f. Mr Tuitt concluded that they did not feel revocation or suspension of the licence were proportionate or necessary, given that they had acknowledged the negative impacts of nitrous oxide being sold at the shop, and had agreed to stop.

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

- a. Cllr Smith asked for clarification from Mr Kisa as to how many times he was visited by council trading standards officers, and why he had not heeded their advice/warnings.
- b. Mr Kisa responded that they had visited three times, that he had not been at the premises for the past 6-7 months, as he was trying to open another business in Stevenage, and he was now trying to take control of the store and stop the unlawful activity. He said he had been at the shop only one-time officers had visited and had explained the issues to his staff, but that they did not always listen.
- c. The Chair queried if he was not aware as to what was happening in the shop whilst he was away, and what the repercussions there were for staff who had not listened.
- d. Mr Kisa said that he was aware, but his staff did not always listen, and that he had moved on most of these staff members who were not following his directions. The Chair reminded Mr Kisa that the issues with the store had been going on for about a year, longer than the 6 months he had not been at the premises. Mr Kisa replied that he had not been at the premises for a period of time, that he had been at the store for the last month, and that he was trying to take control and stop the unlawful activity.
- e. The Chair enquired how Mr Kisa would prevent staff at his store from conducting unlawful activity and breaching the premises licence.
- f. Mr Kisa responded that staff had been selling nitrous oxide for a long time, and that he had heard about this but did not sell it himself. He

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said that some customers had been using it for themselves and lying about it, and that once he was aware of this, they stopped selling it to them.

- g. The Chair asked when the premises had stopped selling nitrous oxide.
- h. Mr Kisa replied that he had been at the store for the last month, and that he had conveyed to staff previously not to sell to those under 18, not to sell nitrous oxide with balloons, and that if they saw customers inhaling it, not to sell to them again, but that sometimes they did not understand, and they often had new staff joining. The Chair followed up by asking who was employing the new staff. Mr Kisa responded that he hired staff, that he explained the rules to them, that the licensing officer had also conveyed this/these to them but that they did not always listen. The Chair enquired whether the staff members who Mr Kisa had alleged were causing the issues, were still employed at the shop. Mr Kisa said that he had asked some of them to leave, that he now had 5 staff, and that they listened to him and did not do anything wrong.
- i. The Chair asked why a number of the licence conditions had not been complied with.
- j. Mr Kisa said that in the past month he had rectified all of the issues laid out in the report. The Chair asked officers if this could be confirmed. Charlotte Palmer responded that no visits had been made which had not been mentioned in the report. Mr Kisa added that he was now at the premises, and making sure everything was being done correctly. He said that he had closed the other store in Stevenage after the issues started so that he could sort them out.
- k. Ellie Green queried whether Mr Kisa had plans to stay at the premises or open another one.
- l. Mr Kisa replied that he had tried to open another shop which was a big premises and open 13 hours. He said this had caused too much of a headache, and the landlord wanted to take the premises back again, thus he had come back to this premises. Ellie Green enquired why he had not varied the DPS to whoever was running the shop in his absence. Mr Kisa said that he tried to sell the premises, but had lost the other store, so came back. He explained that he had now got everything in place: CCTV, staff training etc.
- m. Cllr Smith asked that given Mr Kisa was the designated premises supervisor with a legal responsibility to supervise the premises, why he had left for several months, not fulfilled his duties, and allowed the issues to occur.
- n. Mr Tuitt responded to say that his client acknowledged his past errors, and the problems which had occurred at the premises, that he had learnt his lesson and did not want to be in this situation again.
- o. The Chair queried whether any local residents had approached Mr Kisa to complain about the issues which had been raised.
- p. Mr Kisa expressed that he had received a couple of complaints from residents, and had tried to explain to them that they were trying to do the right things, i.e., not selling to those under 18. The Chair enquired how much time Mr Kisa spent at the premises. Mr Kisa replied that he

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- was at the premises up to 15 hours every day, and that following the issues, he tried to be present as much as possible.
- q. Charlotte Palmer asked Mr Kisa to confirm that she had completed an inspection on 21 November with him, and had explained everything to him. She added that it was not mentioned at this time that he had been away for 6-7 months.
 - r. Mr Kisa confirmed this to be the case, that he had listened to the advice and discussed the circumstances surrounding the premises with her. He said that leaving the premises had not been in his plans, but that he had returned to try and stop the issues.
 - s. Charlotte Palmer asked who brought the premise stock.
 - t. Mr Kisa responded that he would buy the stock, including during the 6-7 months he was not at the premise, and that sometimes a member of staff would do it on his behalf. Mr Tuitt clarified that it was not that Mr Kisa was not at the premises at all, but that he was not involved in the day to day running during this period as he was focussed on the other business. Mr Kisa said the nitrous oxide would be brought to the shop by a door-to-door peddlers, and that he and his staff would purchase this.
 - u. Charlotte Palmer said that if Mr Kisa was attending the premises from time to time during this period, he should have seen the boxes of nitrous oxide in the shop. She said that there was a lot of nitrous oxide, and did Mr Kisa not think it was unusual the amount of stock they were getting through.
 - v. Mr Kisa replied that customers would tell them they would use the nitrous oxide for cakes, and that he could not follow them after they left to make sure that this was the case. Mr Tuitt added that nitrous oxide use legitimately was limited, that they were not disputing the situation and harm it causes, and that they had agreed not to sell it anymore. The modification of a condition in which Mr Kisa would be the sole purchaser of alcohol and tobacco stock, from a registered wholesaler, be changed to Mr Kisa being the sole purchaser of stock and to prevent purchases from door-to-door sales, was also discussed. Mr Tuitt said that they would be prepared to accept this condition, but that there was a distinction between stock that would be resold to customers and purchases that would not be sold on. Mr Kisa explained that stock had often been sourced by staff from cash and carries, and all stock was legal sourced.
 - w. Cllr Smith asked whether Mr Kisa had personally been ordering any of the nitrous oxide, and how he justified the quantities that were being brought if they did not think it was being sold for unlawful activity.
 - x. Mr Kisa confirmed that he had been purchasing some of it, that they had been selling it to over 18s only, that customers had said they were using it for cream/cake, that he had explained this to his staff, and they could not help/ know if customers were lying. Cllr Smith, said that they had to use their judgement, and that it was reckless to not consider what a customer might use the nitrous oxide for.

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- y. The Chair queried that in October 2022 officers had told Mr Kisa not to sell nitrous oxide anymore, and yet in May a test purchase had confirmed they were still doing this.
- z. Mr Kisa responded that he would stop this. Charlotte Palmer asked if they were still stocking and selling nitrous oxide. Mr Kisa said that they were not doing much of this, that he had asked the seller to take it back, but they could not, and that they still had some left over, but that they would stop selling it.

7. The following closing summaries/ points were made:

- a. Charlotte Palmer said that the PLH had failed to demonstrate compliance with the licence conditions, the licensing authority were concerned by the situation regarding the address details provided, and the DPS had not been in day-to-day control of the premises for a period of time. They believed that the premises was recklessly selling nitrous oxide as evidenced by the test purchase which undermines all four of the licensing objectives. Due to the impact on the area and health, the licensing authority have no choice but to recommend that the licence be revoked.
- b. Mr Tuitt expressed that they understood the concerns regarding the activity associated with the premises, and referred the committee back to the extract of home office guidance he had brought their attention to. He confirmed that the premises would cease sales of nitrous oxide and they had addressed the alleged breaches highlighted by the licensing officers. Mr Tuitt felt that revocation of the licence was not proportionate, that Mr Kisa had learnt his lesson, and that nitrous oxide would no longer be sold at the premises.
- c. Ellie Green outlined the options available to the committee to make, and said that she would send the conditions discussed to all parties.

The Chair thanked everyone for their time and adjourned the meeting whilst the committee went away to deliberate. Cllrs Savva and Smith would attend all of the deliberations on the decision, but could not attend the presentation of the decision due to other engagements. The Panel retired, with the legal adviser and committee administrators, to consider the application further, and then the meeting reconvened in public.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that in order to promote the licensing objectives, the licence be **REVOKED**.

The Chair made the following statement:

“The Licensing Sub-Committee (LSC) having listened to and considered written and oral submissions made by the, the Licensing Authority, a Southgate Ward Councillor and the named Licence Holder and his Legal

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Representative in particular the evidence concerning previous activities at the premises concerning breaches to the licensing conditions and the law. The LSC are of the view that the Premises Licence Holder, Mr Baris Kisa, has not been able to demonstrate to the LSC that he 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 demonstrated that he is able to or would be able to adhere to any licensing conditions on the licence or the proposed amendments at pages 120-122, 207-208 of the Document Pack and those discussed during the hearing and provided by the Licensing Officer Annex E Proposed Licensing Conditions Amended. Further, given the past history of a failure to adhere to the imposed licensing conditions and the licensing objectives and the LSC do not consider there is a likelihood of compliance should the licence be permitted to continue to operate.

Accordingly, the LSC, on balance, has made the decision to **REVOKE** the licence held by Mr Kisa, in its entirety.

The LSC has taken into account the statutory guidance and in particular the provision highlighted by the Legal Representative for Mr Kisa at paragraph 11.20 therein and the London Borough of Enfield's Policy Statement in making its decision and has made its decision in promoting all of the four licensing objectives and in particular that of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

It should be noted that **SOUTHGATE FOOD CENTRE** can continue to operate at the premises for any unlicensed activities and that there are no limits concerning unlicensed activities.”

The Chair thanked everyone for their time and the meeting ended at 15:04.

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LICENSING SUB-COMMITTEE - 9.8.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 9 AUGUST 2023**

COUNCILLORS

PRESENT George Savva MBE (Chair), Sabri Ozaydin, and Chris Dey

OFFICERS: Ellie Green (Licensing Team Manager), Dina Boodhun (Legal Adviser), and Harry Blake-Herbert (Governance Officer)

Also Attending: Officers observing

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received. The committee agreed to delay the start of the hearing by 5 minutes to allow the licence holder the opportunity to be present in case they were running late.

2 DECLARATION OF INTEREST

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

3 EXCLUSION OF THE PRESS AND PUBLIC

The press and public were excluded from the meeting as per Section 100A(4) of the Local Government Act 1972, on the grounds that discussions which took place would likely involve the 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); and the meeting moved into Part 2.

4 PART 2 AGENDA

**5 CONSIDERATION OF SUSPENSION OR REVOCATION OF A
PERSONAL LICENCE**

NOTED:

That the discussion regarding this item was undertaken in Part 2.

The Licensing Sub-Committee **RESOLVED** that in order to promote the licensing objectives, the licence, be **REVOKED**.

The Chair made the following statement:

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'The Licensing Sub-Committee (LSC) considered the request for the revocation of the personal licence, dated 16 June 2023 from Essex Police. The LSC also considered whether to suspend the personal licence under its powers pursuant to section 132A of the Licensing Act 2003. Information was considered under section 185 of the Licensing Act 2003 disclosed by Essex Police. The LSC considered that the Personal Licence Holder (PLH) was convicted of a relevant criminal offence under paragraph 14(c) of Schedule 4 of the Licensing Act 2003. The conviction was driving a motor vehicle with excess alcohol, contrary to Section 5(1)(a) of the Road Traffic Act 1988. The PLH was convicted of the relevant offence on 7 July 2021. They were sentenced to a fine and a driving disqualification under the Road Traffic Act 1988. The endorsement remains unspent until 6 July 2026. The LSC took into account the licence holder's representations at Annex 6 of the LSC Agenda where they sent an email on 16 July 2023. The LSC also took into account its powers under Section 132A of the Licensing Act 2003 and decided to revoke the personal licence, having regard to the crime prevention objective. Further, the LSC took into consideration the Statutory Guidance under Section 182 of the Licensing Act 2003, particularly, Section 4 that relates to personal licences. The PLH has not demonstrated that they are taking their responsibilities seriously as a PLH, particularly not showing that they are aware of licensing law and their wider social responsibilities in the sale of alcohol. The LSC were disappointed that the PLH did not attend the hearing to put forward their representations in person.'

The Chair thanked everyone for their time and the meeting ended at 10:52.

MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
13 September 2023

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

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

1 LICENSING HISTORY - LN/201700925

- 1.1 A new premises licence (LN/201700925) was issued to Carpathina Ltd, of which Mr Iulian Frasinescu was Company Director, on 8 March 2018 without objection.
- 1.2 The named Designated Premises Supervisor (DPS) was also Mr Iulian Frasinescu, since the licence was issued.
- 1.3 A minor variation application was submitted on 18 September 2018 at the request by Licensing Enforcement, following a seizure of illicit tobacco. The application was granted with modified conditions on 3 October 2018.
- 1.4 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.
- 1.15 A copy of premises licence (LN/201700925) is attached in Annex 1.
- 1.16 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201700925. The full report can be found online here (Item 519): [Agenda for Licensing Sub-Committee on Wednesday, 18th March, 2020, 10.00 am | Enfield Council](#)
- 1.17 The review application was submitted in relation to the prevention of crime and disorder licensing objective, as smuggled goods had been found on the premises for a second time i.e.. non-duty paid cigarettes. Revocation was being sought.
- 1.18 On 18 March 2020, the Licensing Sub-Committee resolved to revoke premises licence LN/201700925 and a copy of the Decision Notice is produced as Annex 2.

1.19 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 as follows:

- not to give any weighting to Nicoletta Gafita's (NG) witness statement where given positive assertions;
- has given weighting where NG's evidence undermined Mr Frasinescu's (IF) evidence;
- In light of the evidence that the LSC evidence was unassailable;
- Evidence heard that day undermines the appellants lack of credibility, judgement and as other events have taken place;
- IF and NG are inextricably intertwined;
- Uphold to revoke this licence.

1.20 Therefore premises licence LN/201700925 was revoked on 17 March 2022.

2 THIS APPLICATION

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

2.2 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.

2.3 Each of the Responsible Authorities were consulted in respect of the application.

2.4 A copy of the new premises licence application is attached as Annex 3.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** The Police object to this new premises licence application as they do not believe the prevention of crime and disorder licensing objective is going to be upheld. The Police are also aware that there are family links with Mr Razvan and Mr Iulian Frasinescu. The Police representation contains sensitive information, so is split into two parts: Part 1 (Annex 4) – can be published, Part 2 (Annex 5) – must be redacted and not published.
- 3.2 **Licensing Authority:** The Licensing Authority object to this new application as they are not satisfied the prevention of crime and disorder, the prevention of nuisance and the protection of children from harm licensing objectives are being met. The Licensing Authority are concerned with Mr Frasinescu's involvement with the current business and have requested evidence from Mr Razvan to demonstrate this otherwise. A copy of the Licensing Authority representation (including Additional Information) is produced in Annex 6.
- 3.3 Mr Razvan has not responded in full to either of these representations at the time this report was being prepared (31 August 2023). The only correspondence received is from Mr Razvan's agent, asking some questions of the Responsible Authorities. That email is produced as Annex 7.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The Licensing Authority has requested licence conditions, should the Licensing Sub-Committee consider granting the licence in full or part. The applicant offered some additional conditions. Those conditions are produced in Annex 8.
- 4.2 Mr Razvan has not indicated agreement to the conditions sought by the Licensing Authority.

5 RELEVANT LAW, GUIDANCE & POLICIES:

The paragraphs below are extracted from either :

- 5.1.1 the Licensing Act 2003 ('Act'); or
- 5.1.2 the Guidance issued by the Secretary of State to the Home Office of July 2023 ('Guid'); or
- 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

5.3 The licensing objectives are :

- 5.3.1 the prevention of crime and disorder;
- 5.3.2 public safety;
- 5.3.3 the prevention of public nuisance; &
- 5.3.4 the protection of children from harm [Act s.4(2)].

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

- 5.4.1 the Council's licensing policy statement; &
- 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Cumulative Impact Policy

5.5 The premises is not situated in any of Enfield's Cumulative Impact Policy areas [Pol 9.20].

GUIDANCE EXTRACTS:

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Designated premises supervisor

- 9.42 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 9.43 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 9.44 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

(Although this application is a new application rather than a review, the review guidance is still appropriate to mention)

Reviews arising in connection with crime

- 9.42 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 9.43 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 9.44 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 9.45 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

LBE's LICENSING POLICY

10. LICENCE APPLICATIONS AND REVIEW

10.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.

10.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.

12. SPECIAL FACTORS FOR CONSIDERATION

12.1 Prevention of Crime and Disorder - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including:

- crime prevention design, including adequate lighting of car parks and CCTV;
- text/radio pagers;
- door supervision, including arrangements for screening for weapons and drugs;

- other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or underage; use of toughened and plastic 'glasses'; and bottle bins);
- drug dealing and abuse;
- prostitution and indecency;
- methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises;
- methods to discourage taking alcohol off the premises in open containers;
- methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods;
- capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit;
- appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol;

12.4 Protection of Children from Harm - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including:

- the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements;
- premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present;
- the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature;
- the protection from significant gambling;
- arrangements to deter, drug taking or dealing;
- adequacy of controls on the times during which children may be present on the premises;
- the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm.

6 DECISION:

6.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].

6.2 In determining the application with a view to promoting the licensing objectives

in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

6.2.1 the steps that are appropriate to promote the licensing objectives;

6.2.2 the representations (including supporting information) presented by all the parties;

6.2.3 the guidance; and

6.2.4 its own statement of licensing policy [Guid 9.38].

- 6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.3.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.3.4 to reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 81322 128

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Licensing Act 2003**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Postal address of premises:

Premises name:

Telephone number:

Address:

Where the licence is time-limited, the dates:

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

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

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

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

Part 2

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

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

Registered number of holder (where applicable):

[REDACTED]

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

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

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

Name:	Mr Iulian Frasinescu
Address:	[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number:	[REDACTED]
Issuing Authority:	London Borough Of Enfield

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

Signed: [REDACTED]

Date: 3 October 2018

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



Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**

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

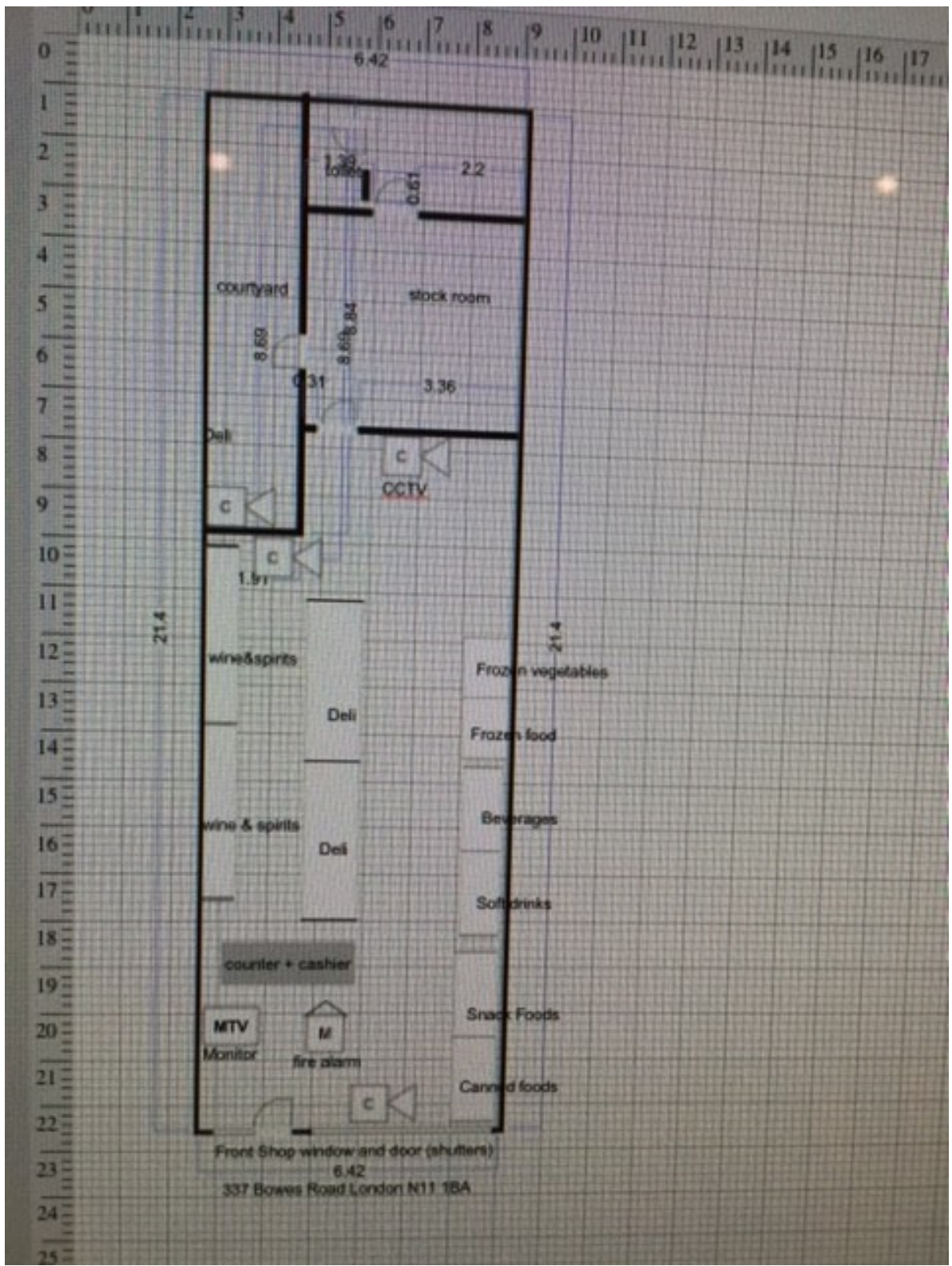
- 3. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where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

4. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
7. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
8. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
9. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
10. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.
11. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
12. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.
13. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
14. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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

Not applicable

Annex 4 – Plans



Annex 1 – Mandatory Conditions

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

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

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

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

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

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

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

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the

premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

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

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

Supply of alcohol from community premises

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

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

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

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

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

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

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



LICENSING SUB-COMMITTEE – 18 MARCH 2020

Application was made by **TRADING STADARDS** for a review of the Premises Licence (LN/201700925) held by **MR IULIAN FRASINESCU** at the premises known as and situated at **CARPATINA LTD, 337 BOWES ROAD, N11 1BA.**

The Licensing Sub-Committee **RESOLVED** that it considers it appropriate for the promotion of the licensing objectives **to revoke the licence.**

Reasons:

The Chairman made the following statement:

“Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence held by Mr Iulian Frasinescu at the premises known as and situated at Carpathina, 337 Bowes Road, London, N11 1BA.

The Licensing Sub-Committee takes into consideration the guidance in s.11.20, s.11.27 and s.11.28 and considers that the presence of smuggled goods for the second occasion, and significant volume, causes serious concern.

In light of the licensing objective of the prevention of crime and disorder, the Sub-Committee considers it appropriate and proportionate to revoke the licence in these circumstances and in keeping with the guidance referenced above.

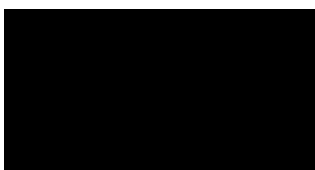
The primary reason the review was called was the storage of non-duty paid tobacco products.

The breaches of conditions were purely incidental and secondary to the Sub-Committee’s consideration.

As such, the Licensing Sub-Committee was persuaded that the Trading Standards’ application case has been made in full.”

Date Notice Sent : 19 March 2020

Signed :



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the North London Magistrates Court at the following address :

North London Magistrates Court
Highbury Corner, 51 Holloway Road, London, N7 8JA

Annex 3



London Borough of Enfield

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Notes for Guidance at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We STEFAN RAZVAN ENE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>CARPANTHINA & CARPANTHINA</u> <u>337 BOWES ROAD</u>			
Post town	<u>LONDON</u>	Postcode	<u>N11 1BA</u>

Telephone number at premises (if any)	
Email address	
Non-domestic rateable value of premises	£ <u></u>

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ENE			First names STEFAN RAZVAN		
Date of birth over	[REDACTED]	I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality	[REDACTED]				
Current residential address if different from premises address	[REDACTED]				
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number	[REDACTED]				
E-mail address	[REDACTED]				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Thur			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	7:00	21:00			
Tue	7:00	21:00			
Wed	7:00	21:00			
Thur	7:00	21:00			
Fri	7:00	21:00			
Sat	7:00	21:00			
Sun	9:00	21:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	STEFAN RAZVAN ENE
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	7:00	21:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	7:00	21:00	
Wed	7:00	21:00	
Thur	7:00	21:00	
Fri	7:00	21:00	
Sat	7:00	21:00	
Sun	9:00	21:00	

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

CCTV cameras are installed to monitor activities in the premises. No drinking will be allowed outside. Operating schedule will be displayed on the entrance to the premises. Staff will be trained in licensing activities in relation to the Licensing Act 2003, they will also be trained in verification procedures and challenge age 25 verification procedure implemented. A refusal log will be kept to record all incidents that might occur on the premises. A fully operating CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. At least one camera will capture the ingress and egress point for customers. CCTV images will be provided to the police and other responsible authorities in any case within 48 hours of a request for such images.

b) The prevention of crime and disorder

CCTV cameras will hold at least 31 days recording, with high definition. Any malfunction that might endure in excess of 24 hours will be reported to the authorities. A log of regular checks of the CCTV cameras will be kept. A member of staff will be present who will be able to operate the CCTV cameras. All staff employed on the premises will be checked thoroughly before employment for legitimate documents, which must be presented to validate the right to work in the UK.

Staff training shall be recorded and updated every 6 months. Training shall cover the requirements for ID as part of age verification, the responsibilities of staff, training on dealing with an intoxicated person and assertiveness training. All training records will be available to authorities on request.

The licence holder shall ensure that an incident log is kept on the premises and that it documents any incident involving the premises. This shall be immediately available upon request of an authorised officer.

There shall be a record of any refused sale of Alcohol. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register. At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer. No alcohol is to be sold in open containers.

c) Public safety

All reasonable precautions will be made to keep the public safe on the premises. Fire risk assessments, fire safety assessments carried out by competent authorities, staff will be trained in fire safety procedures. Sufficient fire exits for the premises.

d) The prevention of public nuisance

No drinking or loitering will be allowed outside. Customers will be encouraged to leave the premises quietly. No alcohol is to be sold in open containers. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly and respect the neighbourhood.

e) The protection of children from harm

Challenge 25 will be implemented, staff trained in verification procedures and will have regular refresher training. A notice reminding staff of the company guidelines for verification procedure will be placed in the area of the bar, as well as a reminder of the licensing objectives. The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times. Signage of the 'challenge 25' policy shall be prominently displayed on the premises. Majority of staff will have personal licence training.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom **(please read note 15)**.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from
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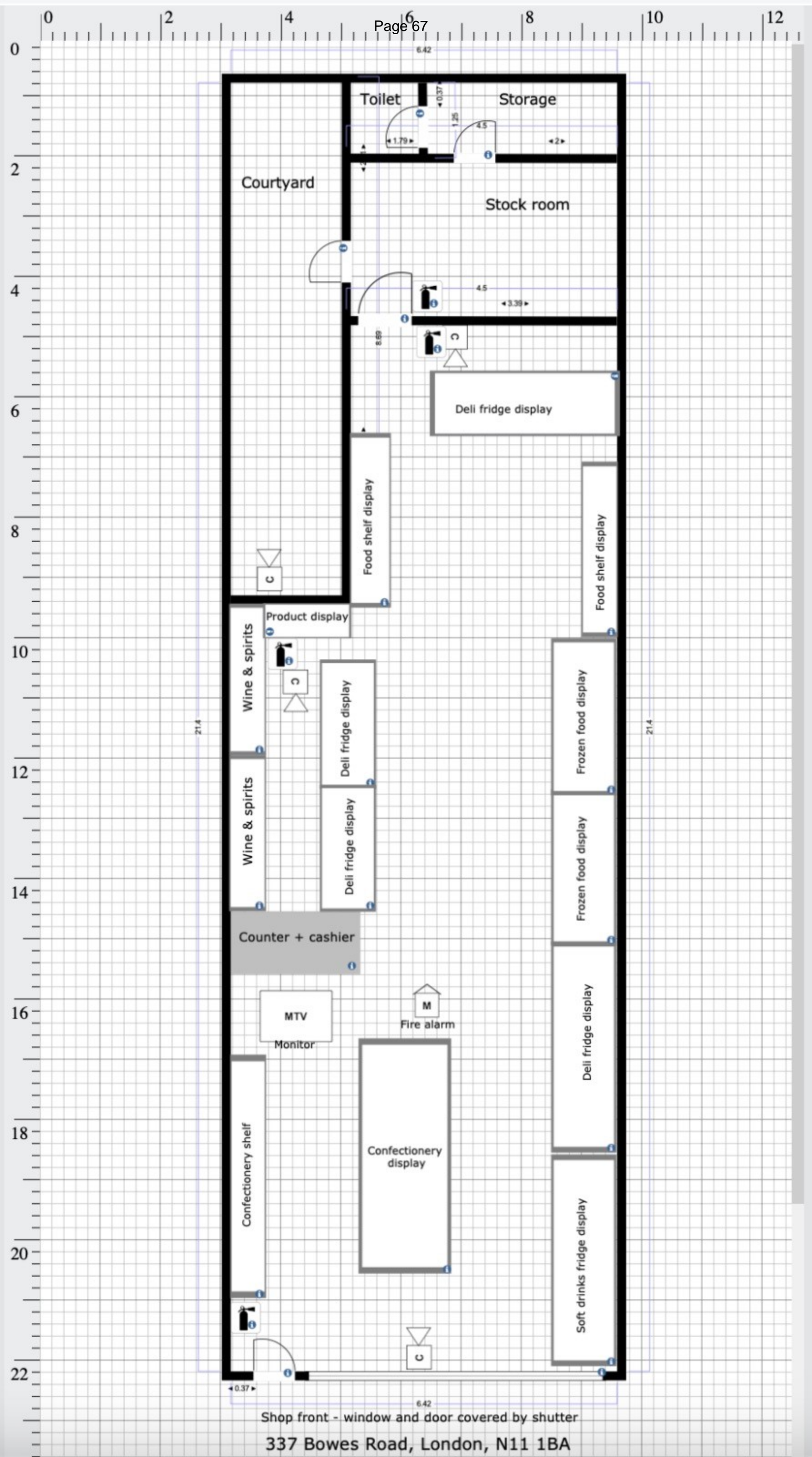
	doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	17/06/23
Capacity	APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
ADM TRAINING SERVICES 8 OXFORD ROAD			
Post town	HARROW	Postcode	HA1 4JF
Telephone number (if any)	[REDACTED]		
E-mail address (optional)	[REDACTED]		

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Shop front - window and door covered by shutter

337 Bowes Road, London, N11 1BA

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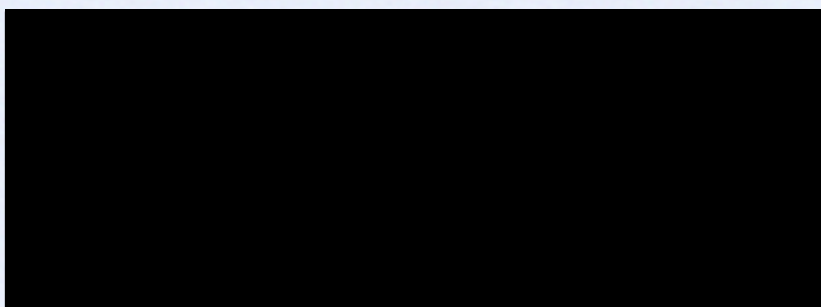
Consent of individual to being specified as premises supervisor

STEFAN RAZVAN ENE

I

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE APPLICATION

[type of application]

by

STEFAN RAZVAN ENE

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

CARPANTHINA
337 BOWES ROAD
LONDON
N11 1BA

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

STEFAN RAZUAN ENE

[name of applicant]

concerning the supply of alcohol at

CARPANTHINA
337 BOWES ROAD
LONDON
N11 1BA

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[REDACTED]

[insert personal licence number, if any]

Personal licence issuing authority

[REDACTED]

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

[REDACTED]

Name (please print)

STEFAN RAZUAN ENE

Date

17/06/23



Licensing Authority
Civic Centre
Silver Street
London
EN1 3XA

Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW

PC Jade HAYNES 3719NA

www.met.police.uk

06th July 2023

Police Representation

APPLICATION FOR A PREMISES LICENCE – CARPATHINA EUROPEAN FOOD, 337 BOWES ROAD, LONDON, N11 1BA

Dear Licensing Team,

This application is submitted by Stefan Razvan ENE. Companies house records however, show that Mr Iulian FRASINESCU is the company director (See annex 1).

The application is for a new premises licence, the operating times for licenced activities requested are as follows:

Sale of Alcohol

Monday to Saturday 0700 to 2100hours

Sunday 0900 to 2100 hours

Supply of alcohol **OFF** the premises.

Hours open to Public

Monday to Saturday 0700 to 2100hours

Sunday 0900 to 2100 hours

This premises has been licensed previously under the same trading name and that licence was revoked as the premises was found to be repeatedly selling nonduty paid tobacco.

The venue CARPATHINA 337 BOWES ROAD N11 1BA was a licensed premises. On 29/10/2019 Trading Standards attended with sniffer dogs searching for illicit goods, namely non duty paid tobacco and alcohol under an Operation named Op Wagtail which is run a couple of times a year by Enfield Council.

During the search a large number of non-duty paid tobacco was uncovered and seized by trading standards. In view of this, Trading standards reviewed the premises with the view to revoking the premises licence. The Licensing Committee sat on **18th March 2020** and took the decision to revoke their premises licence.

The Premises Licence holder and DPS was

MR IULIAN FRASINESCU.

The revocation of a premises licence does not stop the shop from trading but does stop them from selling alcohol

We have assessed the application and have carried out checks upon Police Indices of Company Director as shown on companies house and the applicant and prospective Premises Supervisor on the details submitted within the application. We have also assessed the Operating schedule submitted by the applicant describing the steps intended to be taken by him in order to promote the four Licensing Objectives of:

- The Prevention Of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection Of children from Harm

Guidance issued in respect of the responsibilities of a premises licence holder under the flavour of the Licensing Act 2003 before applying for a premises licence states that it is important to understand their responsibilities **as a licence holder**. Licence holders are expected to uphold the four important licensing objectives equally, the premises license holder in effect has overall control of the management practices that are delivered within the licenced premise. In conjunction with the Designated Premises Supervisor the premises licence holder will ensure daily operational practices within the premises will address the objectives and fully promote them.

Additionally in The London Borough of Enfield Published licensing Policy Statement (6th Edition)

<https://www.enfield.gov.uk/services/business-and-licensing/licensing-policies>

It states in respect of premises licence applications

“11. OPERATING SCHEDULES 11.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives.”

In this schedule the means by which crime and disorder will be prevented and the detailing of effective management and operational practices adopted to achieve this must be evidenced.

Whilst we acknowledge the applicants operating schedule and the stated measures that will be taken to satisfy the upholding of the objectives our background checks into the applicant and the DPS show a concerning picture that this may not be the case.

The issues highlighted are as follows:

****START - SENSITIVE INFORMATION – NOT FOR PUBLIC INFORMATION - ****

=====

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

These incidents are **after** the licence was revoked on this premises, when Mr FRANCINESCU was shown as the licensee and DPS. According to companies house (annex1) Mr Francinescu is still shown as the company director for this premises. Alternatively in the above incident **02/11/2022**: EROUPEAN FOOD, OFF LICENCE, illicit tobacco was found at another premises in which he is also shown as the director for on companies house. (See annex 2). This concerns me that he has continued to do this even after he has had his licence revoked at another venue.

What also concerns me is, although Mr Francinescu is not mentioned in this premises licence application, there appears to be a clear link with applicant Mr ENE and Mr Francinescu. Not only is Mr Francinescu shown as the director but **the contact number provided on the application form** by Mr ENE, [REDACTED], comes back on police indices to Mr Francinescu, including on the above report of further illicit tobacco sales.

I ask the following questions of the applicant

- 1) What assurance do we have that if granted a licence you will manage the premises in a law abiding manner?
- 2) What assurances can the applicant provide Licensing with, that he shall be a responsible retailer and non-duty paid goods shall not be sold or store at the premises or in buildings/vehicles associated with the premises?
- 3) On the application, it says the applicant lives in Slough. Will the applicant work at the premises? If so what days and hours will he work?
- 4) Will he be solely responsible for running the premises on a day-to-day basis? If not who else will be?
- 5) Who else will be employed to work at the premises?

- 6) Will Mr Iulian Francinescu have any involvement in the business?

I require a written response to these questions within 7 days of 06/07/23.

In summary

We the Police believe that if granted, the premises would be used for illegal means and the objectives completely ignored. We believe that Mr Francinescu would be playing a role in the daily running of the business and that Mr ENE being a family member of his, has applied for this licence, in fear that had Mr Francinescu applied himself it would have been objected to.

As with a recent campaign in regards to illicit tobacco sales <https://keep-it-out.co.uk/> shows that there are risks which are shown on their website and shown below, yet Mr Francinescu even after having the licence revoked for this premises continued to do so at another venue showing no remorse for his conduct whilst running this venue on a licence previously.

'Illegal tobacco might not seem a big deal – but it is bad news for our community

Kids: People who sell illegal tobacco don't care if they sell to kids, getting them hooked on a lethal addiction that kills one in two lifetime smokers.

Crime: It brings crime into our neighbourhoods – fuelling human trafficking, the drugs trade and loan sharks.

If someone is offering cheap tobacco in shops, pubs and clubs, from private houses or on the street, there's usually a reason. It isn't duty free or a new brand. It's smuggled or fake.'

We therefore hold no confidence in the named person's ability or willingness to engage in a lawful manner and object to the application in **full** and request this licence application be denied under the Licensing objective of

- Prevention of Crime and Disorder

I reserve the right to provide further information to support this representation.

Regards,

A black rectangular redaction box covering the signature area.

Jade HAYNES

PC HAYNES 3719NA
North Area Licensing Officer

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Annex 1

find-and-update.company-information.service.gov.uk/company/09087250/persons-with-significant-control

Event Search Summ... Imported From IE

Overview Filing history People More

Officers **Persons with significant control**

1 active person with significant control / 0 active statements

Mr Julian Frasinescu **ACTIVE**

Correspondence address
750 Harrow Road, Wembley, England, HA0 2LW

Notified on	Date of birth	Nationality
9 June 2021	February 1969	Romanian

Country of residence
England

find-and-update.company-information.service.gov.uk/company/09087250

Event Search Summ... Imported From IE

CARPATHINA LIMITED

Company number **09087250**

Follow this company File for this company

Overview Filing history People More

Registered office address
17 Whitmore Close, London, N11 1PB

Company status
Active

Company type	Incorporated on
Private limited Company	16 June 2014

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Annex 2

find-and-update.company-information.service.gov.uk/company/12684510

Event Search Summ... Imported From IE

EUROPEAN FOOD UK LIMITED

Company number **12684510**

[Follow this company](#) [File for this company](#)

Overview [Filing history](#) [People](#) [More](#)

Registered office address
796 Harrow Road, Wembley, England, HA0 3EL

Company status
Active

Company type **Private limited Company** Incorporated on **19 June 2020**

find-and-update.company-information.service.gov.uk/company/12684510/officers

Event Search Summ... Imported From IE

[Overview](#) [Filing history](#) [People](#) [More](#)

[Officers](#) [Persons with significant control](#)

Filter officers

Current officers

1 officer / 0 resignations

[FRASINESCU, Iulian](#)

Correspondence address
796 Harrow Road, Wembley, England, HA0 3EL

Role ACTIVE	Date of birth	Appointed on
Director	February 1969	19 June 2020

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Annex 6

ENFIELD
Council
www.enfield.gov.uk



LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

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

Type of Application: New Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the following reasons:

This is a new application for an off licence / grocery store to provide licensable activities as detailed below:

Activity	Proposed Times
Supply of Alcohol (off supply)	07:00 – 21:00 Everyday
Opening hours	07:00 – 21:00 Everyday

This premises has been licensed previously under the same trading name and that licence was revoked as the premises was found to be repeatedly selling nonduty paid tobacco.

I wish to make representation on the following:

- **Prevention of Crime and Disorder**
- **Prevention of Nuisance**
- **Protection of Children from Harm**

The Licensing Authority is keen to ensure, given the history of illegal activity, that those connected to the premises previously are no longer involved in the business before any new licence is granted. The Licensing Authority has no confidence in their ability or willingness to trade legally.

Until such time as official evidence is provided demonstrating that Mr Stefan Razvan Ene is the sole owner of the business the Licensing Authority objects to this application in its entirety.

The Licensing Authority would be satisfied if the following documents were provided as evidence of ownership:

- Leasehold documents in Mr Stefan Razvan Ene's name/proof that an application to transfer the lease has been submitted.
- Business Rates in Mr Stefan Razvan Ene's name
- Sale of businesses contract between the previous owner and Mr Stefan Razvan Ene's.
- Account records in Mr Stefan Razvan Ene's name if he is already running the business.
- Lottery agreement Mr Stefan Razvan Ene's name if there is one.
- Paypoint in Mr Stefan Razvan Ene's name if there is one.
- Oyster in Mr Stefan Razvan Ene's name if there is one.

The Licensing Authority requests that the following questions be answered:

- What if any is the relationship/connection between Mr Stefan Razvan Ene and Mr Iulian Frasinescu and Ms Nicoleta Gafita – the previous licence holder and DPS?
- What assurances can the applicant provide the Licensing Authority with that he shall be a responsible retailer and non-duty paid goods shall not be sold or store at the premises or in buildings/vehicles associated with the premises?
- On the applicant is says the applicant lives in Slough. Will the applicant work at the premises? If so what days and hours will he work?
- Will he be solely responsible for running the premises on a day-to-day basis? If not who else will be?
- Who else will be employed to work at the premises?

If these documents are provided and questions answered to the satisfaction of the Licensing Authority, then the Licensing Authority would not object to the hours or activities applied for. However, if the licence is granted in full or in part the Licensing Authority also recommends that the following conditions be attached to the licence to promote the licensing objectives:

1. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.
2. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
3. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
4. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
5. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

7. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that they should not consume alcohol in the street if requested to stop by an authorised person. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
8. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
9. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
10. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.
11. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
12. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.
13. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
14. Nitrous oxide (laughing gas) shall not be stored or sold to consumers from the premises, or any vehicles or storerooms associated with the premises.

Nitrous Oxide:

In order to help tackle the problem of anti-social behaviour in the borough the Licensing Authority requests that, as a responsible retailer, you do not sell Nitrous Oxide and agree to attach a condition to the premises licence conditions to reflect this.

Nitrous oxide (N₂O) is a colourless sweet-tasting gas often referred to as 'laughing gas'.

Although nitrous oxide can be sold legally when sold for a legitimate use, the supply, or offer to supply or possession with intent to supply for recreational misuse is an offence.

The Psychoactive Substances Act 2016 came into force in May 2016. The act bans psychoactive substances, also known as 'legal highs', in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption.

The supply and offer to supply offences (section 5 of the act) are the most relevant parts of the act for retailers. The offence of supply is outlined below:

- A person intentionally supplies a substance to another person
- The substance is a psychoactive substance

- The person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance
- The retailer knows or is reckless about whether the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects

Figures from the Office of National Statistics state that on average five people a year die after inhaling nitrous oxide and it caused 25 fatalities between 2010 and 2016,. (Reference: <https://www.theguardian.com/society/nitrous-oxide-laughing-gas>, 21st May 2019)

The drug is now the third most used among 16 to 24-year-olds in England and both the police and public have repeatedly reported links between use of the drug and nuisance or anti-social behaviour. (Reference: <https://www.gov.uk/government/news/action-plan-to-crack-down-on-anti-social-behaviour>)

The sale of nitrous oxide for recreational purposes undermines all of the licensing objectives.

I reserve the right to provide further information to support this representation.

If these conditions were accepted in full, I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [REDACTED]

Signed: CPalmer

Date: 22/06/2023

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Carpathina European Food
337 Bowes Road
London Borough of Enfield
N11 1BA

Type of Application: New Premises Licence

Detailed below is information not previously included in the representation submitted on 22/06/23:

To date none of the information requested in the Licensing Authority representation dated 22nd June 2023 has been provided.

Having seen the Police Licensing Team representations is it apparent that both Mr Francinescu (the previous licence holder) and Mr Razvan Ene (the current applicant) are connected and that Mr Francinescu still has a business interest in this premises.

Companies House shows that he is the Director of the Company. It is not a case of the business having been sold to a new, totally unconnected person. It appears that the applicant is the nephew of the previous licence holder.

On 25th July 2023 the applicant's agent asked the following question:

'I wanted to inquire if Mr. Fransinescu's involvement solely delivering goods and negotiating prices with suppliers would be a permissible degree of involvement with the premises?

My client Mr. Razvan is concerned that Mr. Fransinescu having built up a special relationship with the suppliers, if he is not permitted to be present at the premises or involved in the business at all this would affect the prices of supplies and would result in operating at a loss. Thus my client wishes to know moving forward if this is permissible or if there would be any objections.'

This again clearly shows that Mr Fransinsecu is currently still connected to the business.

The history of the premises is therefore relevant.

Details of a Premises Licence Review Application submitted by Trading Standards can be viewed on the Council's website - <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=13326&Ver=4>

The decision notice can see seen in **Appendix 1**.

The decision to revoke the previous premises licence was appealed by Mr Francinescu however the appeal was dismissed on 17th March 2022. Mr Francinescu was ordered

to pay the Council's costs of £8812.50. To date these do not appear to have been paid.

In the police representation it states: 'Not only is Mr Francinescu shown as the director but the contact number provided on the application form by Mr ENE, [REDACTED], comes back on police indices to Mr Francinescu, including on the above report of further illicit tobacco sales.'

The Licensing Authority is concerned that this application may have been made in the name of Mr Francinescu's nephew as Mr Francinescu knows he would not be granted a licence in his own name due to his history but that he is still the person in control of the business. If Mr Francinescu is still connected to the premises the Licensing Authority is concerned that the same problems regarding nonduty paid goods will occur.

The Licensing Authority therefore objects to this licence application in its entirety.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [REDACTED]

Signed: CPalmer

Date: 31.07.23

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



LICENSING SUB-COMMITTEE – 18 MARCH 2020

Application was made by **TRADING STADARDS** for a review of the Premises Licence (LN/201700925) held by **MR IULIAN FRASINESCU** at the premises known as and situated at **CARPATINA LTD, 337 BOWES ROAD, N11 1BA.**

The Licensing Sub-Committee **RESOLVED** that it considers it appropriate for the promotion of the licensing objectives **to revoke the licence.**

Reasons:

The Chairman made the following statement:

“Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence held by Mr Iulian Frasinescu at the premises known as and situated at Carpathina, 337 Bowes Road, London, N11 1BA.

The Licensing Sub-Committee takes into consideration the guidance in s.11.20, s.11.27 and s.11.28 and considers that the presence of smuggled goods for the second occasion, and significant volume, causes serious concern.

In light of the licensing objective of the prevention of crime and disorder, the Sub-Committee considers it appropriate and proportionate to revoke the licence in these circumstances and in keeping with the guidance referenced above.

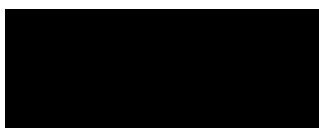
The primary reason the review was called was the storage of non-duty paid tobacco products.

The breaches of conditions were purely incidental and secondary to the Sub-Committee’s consideration.

As such, the Licensing Sub-Committee was persuaded that the Trading Standards’ application case has been made in full.”

Date Notice Sent : 19 March 2020

Signed :



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the North London Magistrates Court at the following address :

North London Magistrates Court
Highbury Corner, 51 Holloway Road, London, N7 8JA

From: [Arlene auf der Mauer](#)
To: [Ellie Green](#); [Licensing](#)
Subject: Re: FW: Notice of a Hearing - Carpathina European Food, 337 Bowes Road, LONDON, N11 1BA WK/223024047
Date: 19 July 2023 17:41:47
Attachments: [image001.png](#)

Good afternoon,

I have a query in regards to Iulian Fransinescu's presence on the premises of Carpanthina European Food.

I wanted to inquire if Mr. Fransinescu's involvement solely delivering goods and negotiating prices with suppliers would be a permissible degree of involvement with the premises?

My client Mr. Razvan is concerned that Mr. Fransinescu having built up a special relationship with the suppliers, if he is not permitted to be present at the premises or involved in the business at all this would affect the prices of supplies and would result in operating at a loss. Thus my client wishes to know moving forward if this is permissible or if there would be any objections.

Regards,

Arlene

ADM Training Services

Mobile: 0 [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

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Annex 8

Proposed Conditions Arising from the Application

Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**

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

CONDITIONS SOUGHT BY THE LICENSING AUTHORITY NOT AGREED BY APPLICANT:

- 2. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.**
- 3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 4.A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.**
- 5.A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.**
- 6.The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.**
- 7.Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and**

leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that they should not consume alcohol in the street if requested to stop by an authorised person. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
9. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
10. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
11. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to the Police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.
12. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
13. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.
14. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
15. Nitrous oxide (laughing gas) shall not be stored or sold to consumers from the premises, or any vehicles or storerooms associated with the premises.

CONDITIONS OFFERED BY APPLICANT:

16. CCTV shall be installed to monitor activities in the premises as follows:
 - (a) A fully operating CCTV system shall be in operation at the premises and recorded images shall be retained for a period of 31 days, with high definition.
 - (b) At least one camera shall capture the ingress and egress point for customers.

- (c) CCTV images shall be provided to the Police and other Responsible Authorities in any case within 48 hours of a request for such images.
 - (d) Any malfunction that might endure in excess of 24 hours shall be reported to the authorities.
 - (e) A log of regular checks of the CCTV cameras shall be kept.
 - (f) A member of staff shall be present who will be able to operate the CCTV cameras.
17. The licence holder shall ensure that an incident log is kept on the premises and that it documents any incident involving the premises. This shall be immediately available upon request of an authorised officer.

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