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LICENSING SUB-COMMITTEE

Wednesday, 11 March 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Committee Secretary
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Councillors : Derek Levy (Chair), Vicki Pite and Jim Steven

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

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

3. BEST LOCAL STORE, 131 BRAMLEY ROAD, LONDON, N14 4UT (REPORT NO. 197) (Pages 1 - 20)

Application for a new premises licence.

4. MINUTES OF PREVIOUS MEETING HELD ON 11 FEBRUARY 2015 (Pages 21 - 34)

To receive and agree the minutes of the meeting held on Wednesday 11 February 2015.

5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

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MUNICIPAL YEAR 2014/15 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
11 March 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT :	Application for a new premises licence
PREMISES :	Best Local Store 131 Bramley Store, Southgate N14
WARD :	Cockfosters

1 **LICENSING HISTORY & CURRENT POSITION :**

- 1.1 The premises is not, and has not been, licensed under the Licensing Act 2003.
- 1.2 A copy of a location map of the premises is attached as Annex 01.

2 **THIS APPLICATION :**

- 2.1 Application is made by **Mrs Gulay Ozturk** for a new Premises Licence. The application seeks :
- 2.1.1 **Hours the premises are open to the public :** Sunday to Thursday from 07:00 to 23:00 and on Friday to Saturday from 07:00 to 01:00 the following day.
- 2.1.2 **Supply of alcohol (off supplies only) :** Sunday to Thursday from 07:00 to 23:00 and on Friday to Saturday from 07:00 to 01:00 the following day.
- 2.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.3 Each of the Responsible Authorities were consulted in respect of the application.
- 2.4 A copy of the application is attached as Annex 02.

3 **RELEVANT REPRESENTATIONS :**

- 3.1 **Metropolitan Police** : As conditions have been agreed (i.e. the applicant has agreed to amend the operating schedule attached to the application to include additional steps to promote the licensing objectives) the representation against the application has been duly withdrawn.
- 3.2 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services)** : As conditions have been agreed (i.e. the applicant has agreed to amend the operating schedule attached to the application to include additional steps to promote the licensing objectives) the representation against the application has been duly withdrawn.
- 3.3 **Other Persons** : Representation is been made, against the application, by persons residing at one address. The grounds of representation include the prevention of public nuisance.
- 3.3.1 A copy of the representation is attached as Annex 03.

4 **RESPONSE TO THE REPRESENTATIONS :**

- 4.1 On 5 February 2015 the Other Persons we written to and provided with additional information in respect of the application.
- 4.2 A copy of the letter is attached as Annex 04.
- 4.3 On 15 February 2015 the Other Persons confirmed that the representation is not withdrawn.
- 4.4 A copy of the email is attached as Annex 05.

5 **PROPOSED LICENCE CONDITIONS :**

- 5.1 The conditions arising from this application are attached as Annex 06, all are agreed.

6 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 6.1 The paragraphs below are extracted from either :
 - 6.1.1 the Licensing Act 2003 ('Act'); or
 - 6.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2014 ('Guid'); or
 - 6.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 6.3 The licensing objectives are :
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4(2)].
- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 6.4.1 the Council's licensing policy statement; &
 - 6.4.2 guidance issued by the Secretary of State [Act s.4(3)].
- 6.5 There can be confusion about the difference between the "need" for premises, and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for the Sub-Committee in discharging its licensing functions [Guid 13.18].

Cumulative Impact Policy :

- 6.6 The applicant premises/club premises is not located in a Cumulative Impact Policy Area [Pol s.9.20].

Hours :

- 6.7 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.13].

Decision :

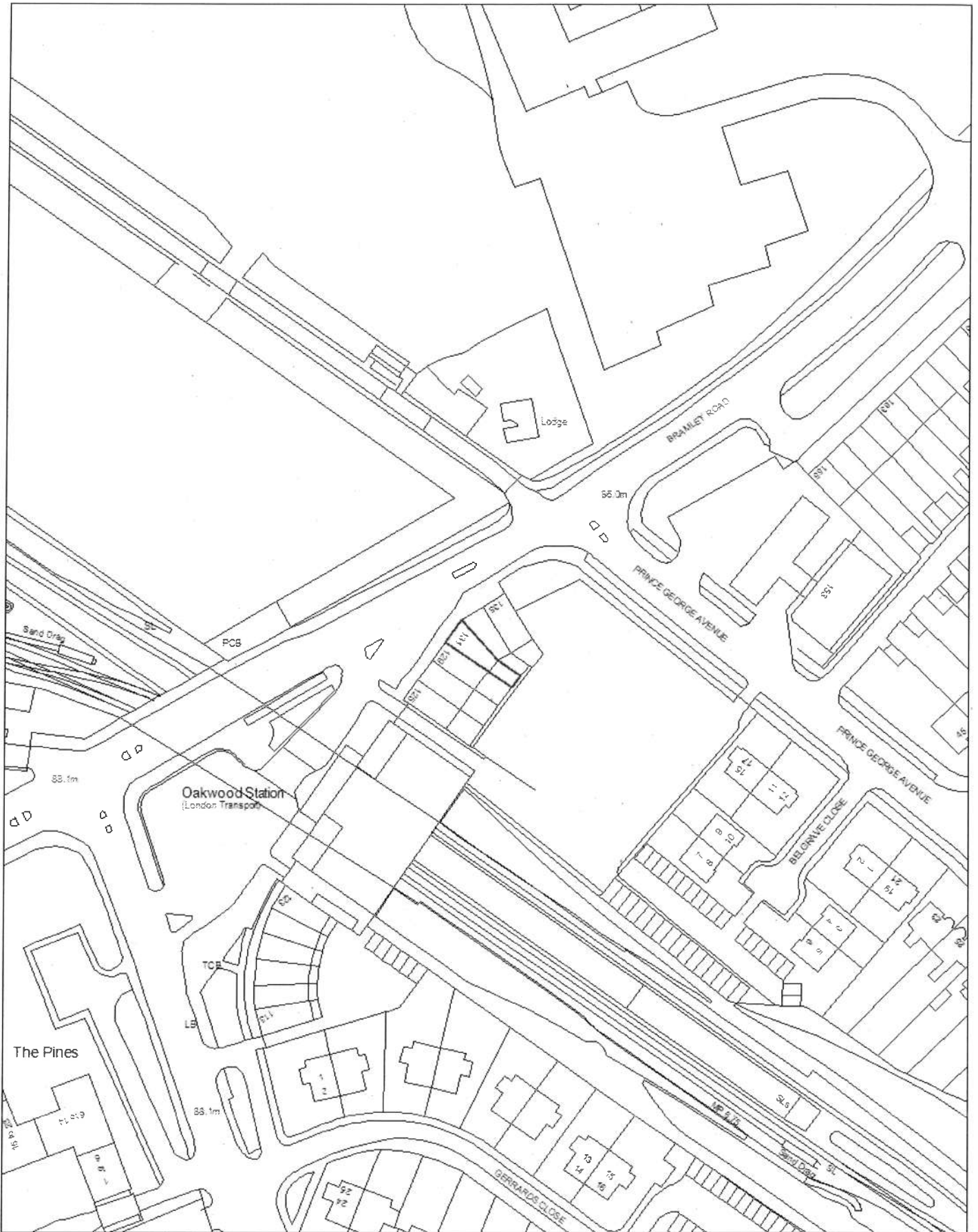
- 6.8 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.36].
- 6.9 In determining 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:
 - 6.9.1 the steps that are appropriate to promote the licensing objectives;
 - 6.9.2 the representations (including supporting information) presented by all the parties;
 - 6.9.3 the guidance; and
 - 6.9.4 its own statement of licensing policy [Guid 9.37].
- 6.10 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 :
 - 6.10.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.10.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.10.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.10.4 to reject the application [Act s.18].

Background Papers :

None other than any identified within the report.

Contact Officer :

Mark Galvayne on 020 8379 4743



Best Local Store, 131 Bramley Road, LONDON, N14 4UT.

LONDON BOROUGH OF ENFIELD
CIVIC CENTRE, SILVER STREET,
ENFIELD, EN1 3XE
www.enfield.gov.uk



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Drg. No. 6600GW
Scale 1:1250
Date 23 Feb.2015

ANNEX 02

CH9 £190.00

WKA 2140 ESSAI

08300

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 guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We **GULAY OZTURK**

(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			
GROUND FLOOR, 131 BRAMLEY ROAD LONDON			
Post town		Post code	N14 4UT

Telephone number at premises (if any)	NONE
Non-domestic rateable value of premises	£9600

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership 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 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:

Please tick yes

- 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 type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname OZTURK			First names GULAY		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		85 IMPERIAL ROAD LONDON			
Post Town				Postcode	N22 8QQ
Daytime contact telephone number			0795768428		
E-mail address (optional)		N/A			

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		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Please give a general description of the premises (please read guidance note1)
OFF LICENCE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

From: Cagla Mayil [mailto:c.mayil@sk-solicitors.com]
Sent: 23 December 2014 10:41
To: Licensing
Subject: RE: 131 Bramley Road, LONDON, N14 4UT [SEC=UNCLASSIFIED]

Dear Rose,

I confirm that supply of alcohol on Wednesday is to start from 07:00am to 11:00pm. Apologies for the error.

Many thanks.

Regards,

Cagla Mayil
Solicitor

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	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 4) N/A					
Mon	07.00	11.00						
	AM	PM						
Tue	7.00	11.00						
	AM	PM						
Wed	08.00	11.00						
	AM	PM						
Thur	07.00	11.00				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 5) N/A		
	AM	PM						
Fri	07.00	01.00						
	AM	AM						
Sat	07.00	01.00						
	AM	PM						
Sun	07.00	11.00						
	AM	PM						

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name CUMALI OZTURK	
Address 33 PELHAM WAY LONDON	
Postcode	N22 6LN
Personal Licence number (if known) 001623	
Issuing licensing authority (if known) LONDON BOROUGH OF HAVERING	

N

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 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	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 5) N/A
Mon	07.00	11.00	
	AM	PM	
Tue	07.00	11.00	
	AM	PM	
Wed	07.00	11.00	
	AM	PM	
Thur	07.00	11.00	
	AM	PM	
Fri	07.00	01.00	
	AM	AM	
Sat	07.00	01.00	
	AM	AM	
Sun	07.00	11.00	
	AM	PM	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

1.WE WILL ALWAYS WORK IN CONJUNCTION WITH THE RECOMMENDATION AND ADVISE OF THE RESPONSIBLE AUTHORITIES IN PROMOTING THE LICENSING OBJECTIVES.
2.THE APPLICANT IS AN EXPERIENCED SUPERVISOR HAVING OPERATED AN OFF LICENCE WHO IS SELLING ALCOHOL AND FAMILIAR WITH THE LICENSING OBJECTIVES.

b) The prevention of crime and disorder

1.THE PREMISES HAS A CCTV RECORDS AND MONITORS THE PREMISES THE SYSTEM IS TO ONE WHICH IS ACCREDITED BY THE POLICE TO DETER CRIMINALS.
2. CCTV WILL BE GOOD VIEWABLE AND EVIDENTIAL QUALITY. DEDICATED EMPLOYEES, WHO HAVE WORKING KNOWLEDGE F THE CCC WILL BE ON PRMISES AT ALL TIMES AND WILL BE IN A POSITION TO ALLOW THE RELEVANT AUTHORITY TO VIEW AND DOWNLOAD THE CCTV AS AND WHEN NECESSARY
3.ANY INCIDENTS WIYLL BE REPORTED TO THE POLICE AND RECOMMENDATIONS WILL BE FOLLOWED

c) Public safety

1.THE PREMISES WILL COMPLY WITH ALL RELEVANT LEGISLATIONAND PUBLIC SAFETY REQUIREMENS. THE PREMISES WILL COMPLY WITH THE FIRE SAFETY REGULATIONS
2.STAFF TRAINING AND INCIDENT LOGS WILL BE DOCUMENTATED AND UPDATED AND THESE WOULD BE KEPT ON THE PREMISES AT ALL TIMES SO THAT IT CAN BE INSPECTED BY THE RELEVANT AUTHORITY WHEN REQUIRED TO DO SO

d) The prevention of public nuisance

THE OPERATORS WILL PUT UP POSTERS IN THE PREMISES AND ON THE WINDOWS ADVERTISING CUSTOMERS NOT TO LITTER THE STREETS AND TO RESPECT THE RESIDENTS IN THAT THEY SHOULD ENTER REMAIN AND LEAVE PREMISES QUIETLY IN AN ORDERLY MANNER AND FASHION
THE PREMISES WILL REGULARLY SERVICE THE PLANT AND MACHINERY OPERATING WITHIN THE PREMISES IN ORDER TO EDUCE THE LEVEL OF NOISE THAT MY CAUSE HARM TO THE PUBLIC.

e) The protection of children from harm

THE PREMISES WILL NOT SERVE UNACCOMPANIED CHILDREN AFTER 08:00PM ON WEEKDAYS
THERE WILL BE A RELEVANT AGE CHALLENGE SCHEME "CHALLENGE 21 OR 25"
THE PREMISES WILL REQUIRE THE FOLLOWING FORM OF VERIFICATION OF A PERSONS PROOF OF AGE IS:-
1. A VALID PASSPORT, 2. A PHOTO DRIVING LISCENCE ISSUED IN A EUROPEAN UNION COUNTRY, 3. A PROOF OF AGE STANDARD CARD SYSTEM
4. A CITIZEN CARD, SUPPORTED BY THE HOME OFFICE


Please tick yes

- 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 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

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	18/12/2014
Capacity	APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **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 13)

CAGLA MAYIL
STUART KARATAS SOLICITORS
285 FORE STREET
EDMONTON

Post town LONDON **Post code** N9 0PD

Telephone number (if any) 02088871360

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
c.mayil@sk-solicitors.com

IP 1

**42 Prince George Avenue
Oakwood
London N14 4TP
☎ 020 8360 1062**

The Licensing Authority
London Borough of Enfield
Licensing Unit
PO Box 57 Civic Centre
Silver Street
Enfield EN1 3XM

30 December 2014

Dear Sirs,

Re: Licences Application for Alcohol for 131 Bramley Road, LONDON, N14 4UT

We have a number of objections to this licence being granted.

1. This area has already been designated as a "No Alcohol" area because of problems with crime and disorder in the past. There are insufficient transport staff or police around to enforce the ban so the problem will be increased by the availability of another source of alcohol.
2. As this shop is in the Oakwood Tube Station Complex a lot of children congregate after school to wait for buses, or for buying food from the local chip shop, which is next door to the proposed premises. It is also likely to encourage older children to try to obtain alcohol as it would be so freely available.
3. Selling alcohol so close to the station is likely to lead to cans and bottles being left in the area as well as people being "sick" and fouling the pavement area in the forecourt and the station.
4. As a matter of information, we are sure that you are aware that there are a number of outlets in the area to purchase alcohol which are very close to the proposed premises. Tesco Express (100m away, open 6am-11pm), Oakwood Tavern (130m away, open 5pm -11pm), Costcutter (210m away, open 9am – 10pm)

Please feel free to contact us if you need to.

Yours sincerely

Stephen & Gilda Rabin

S Rabin *G Rabin*





1914 - 1918

Mr & Mrs Stephen & Gilda Rabin
42 Prince George Avenue
Oakwood
London
N14 4TP

Please reply to : Mark Galvayne
Licensing Team
PO Box 57
Civic Centre, Silver Street
Enfield EN1 3XH

E-mail : mark.galvayne@enfield.gov.uk

My Ref : WK/214075541
Your Ref :
Date : 05 February 2015

Dear Mr & Mrs Rabin

Licensing Act 2003
Premises : 131 Bramley Road N14

I refer to your representation against the application for a new Premises Licence, in respect of the above premises, which is scheduled to be considered by the Licensing Sub-Committee at their public hearing on 11 March 2015.

Further to my letter of 27 January 2015, please be advised as follows:

- The applicant has now agreed to licence conditions proposed by the Metropolitan Police Service and the Licensing Authority.
- A list of all of the 12 conditions that would be attached to any licence granted is enclosed.
- The representations from the Metropolitan Police Service and the Licensing Authority have now been withdrawn.
- The application only remains subject to your representation.

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

EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT
EXCELLENT



Website: www.enfield.gov.uk

In light of the above, I would be grateful if you would now please confirm in writing whether you wish to proceed with or to withdraw your representation? An email, quoting reference WK/214075541 and sent to me at mark.galvayne@enfield.gov.uk will be sufficient. Thank you in advance for your cooperation in this matter.

Also, please be advised that the solicitor for the applicant (Mr Cagla Mayil of Stuart & Co Solicitors) has been advised that he may contact you directly to see if he can satisfy your concerns in respect of this application.

Yours sincerely

A handwritten signature in blue ink that reads "Mark Galvayne". The signature is written in a cursive style with a long horizontal line extending to the right.

Mark Galvayne, Principal Licensing Officer

From: Stephen Rabin [mailto:sjrirt@aol.com]
Sent: 15 February 2015 18:52
To: Mark Galvayne
Cc: Gilda
Subject: Reference WK/214075541

Dear Mr. Galvayne,

Thank you very much for your letter regarding the licence for 131 Bramley Road N14.

We note the conditions set out by the Metropolitan Police Service and the Licensing Authority. We therefore feel our objections should stand.

We still feel however that regrettably there is insufficient resources available to the council and Met police to enforce the conditions set out in the attached schedule, and that young people will be tempted to buy alcohol if it is available.

We have no objection at all to the establishment of another late night store in the premises only the sale of alcoholic drinks.

Yours sincerely

Stephen & Gilda Rabin

BEST LOCAL STORE - WK/214075541**MANDATORY CONDITIONS :****Annex 1 - Mandatory Conditions**

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

Annex 2 - Conditions consistent with the Operating Schedule**CONDITIONS PROPOSED BY APPLICANT :**

3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly & request that customers not to litter the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

CONDITIONS REQUESTED BY METROPOLITAN POLICE SERVICE (AND AGREED BY APPLICANT) :

5. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police or authorised local authority employees will have access to images at any reasonable time;

(14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

CONDITIONS REQUESTED BY LICENSING AUTHORITY (AND AGREED BY APPLICANT) :

- 6. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 7. A written or electronic record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year.**
- 8. Children, not accompanied by an adult, are not permitted to remain at or enter the premises after 22:00.**
- 9. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 10. All staff at the premises shall receive induction and refresher training (at least every 3 months), relating to the sale of alcohol and the times and conditions of the premises licence.**
- 11. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities from 21:00 until closing.**
- 12. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.**

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

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LICENSING SUB-COMMITTEE - 11.2.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 11 FEBRUARY 2015****COUNCILLORS****PRESENT** (Chair) Derek Levy, Doris Jiagge and Glynis Vince**ABSENT****OFFICERS:** Mark Galvayne (Principal Licensing Officer), Ellie Green (Principal Trading Standards Officer), PC Martyn Fisher (Police Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)**Also Attending:** Philip Howarth (Barrister – Agent for Asya Wine Centre), Uygur Altun (Premises Licence Holder), and one observer**351****WELCOME AND APOLOGIES FOR ABSENCE**

The Chair welcomed all those present and explained the order of the meeting.

There were no apologies for absence.

352**DECLARATION OF INTERESTS**

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

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

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

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, that a request for the adjournment of the hearing had been received this morning on behalf of the Premises Licence Holder.
2. The statement of Mr Philip Howarth, Barrister, representing Mr Uygur Altun, (Premises Licence Holder and Designated Premises Supervisor), that he had just met Mr Altun and may need to take some

LICENSING SUB-COMMITTEE - 11.2.2015

further instructions from him, but he would be asking for an adjournment because a number of matters had arisen in respect of an application to vary the Designated Premises Supervisor. However, the panel may first wish to hear the full introduction by the Principal Licensing Officer.

3. The introductory statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application to review the Premises Licence of Asya Wine Centre.
 - b. The review was brought by the Licensing Authority.
 - c. The Licensing Authority considers that it is appropriate to revoke the Premises Licence, in order to support the prevention of crime and disorder licensing objective.
 - d. The application was supported by the Metropolitan Police Service, who also considered that it was appropriate to seek revocation of the licence.
 - e. All parties had received a bundle of colour photographs, which were referred to on page 13 of the agenda in respect of the licence inspection on 11 July 2014 as Appendix 1.
 - f. Additional information in respect of the Licensing Authority representation dated 6 February 2015 and admitted by the Chair on 9 February 2015 had been circulated to all parties.
 - g. The licence had been held by Uygur Altun since 24 April 2006.
 - h. Uygur Altun had also been the Designated Premises Supervisor since 22 May 2009.
 - i. This morning, solicitors on behalf of Mr Altun had made valid an application to vary the Designated Premises Supervisor from Uygur Altun to Halil Bolat. This was requested to be made with immediate effect in accordance with the Licensing Act 2003 s.13.
 - j. The Police had two weeks to consider the variation application. If the Police considered it suitable, the application would be granted and Mr Bolat's name would be added to the licence as Designated Premises Supervisor. If the Police made an objection, a hearing of the Licensing Sub Committee must be called.
 - k. The Premises Licence would still be held by Uygur Altun and Mr Altun would remain the named Designated Premises Supervisor and be deemed to have the responsibilities of that position for the next two weeks.

4. The statement of Mr Philip Howarth, Barrister, in clarification, including the following points:
 - a. One of the reasons that an application had been submitted to vary the Designated Premises Supervisor was to address many of the concerns raised by the responsible authorities.
 - b. He therefore invited the panel to consider an adjournment so that everything could be done properly. Solicitors had informed him that a valid application had been made. He suggested that it would be better

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and make more sense to bring this matter back when the Police had had the opportunity to consider the variation application.

c. The Premises Licence Holder also had a number of other proposals, including reductions of hours when alcohol would be sold, and changes in the shop.

d. There had been a spot check on 5 February 2015 which he understood to have been basically satisfactory. He would imagine that responsible authorities would again want to make checks, including that the new Designated Premises Supervisor could meet all conditions of the licence, and he would ask for adjournment so that could be done.

e. He confirmed that a complete adjournment of the hearing was requested for about two weeks so that these matters could be sorted out. This would make sense so that all matters could be heard together and all parties would know the exact situation.

5. The advice of the Principal Licensing Officer that Uygur Altun had three months' notice of today's hearing. The application to vary the Designated Premises Supervisor had been made this morning. Potentially, that variation application could be withdrawn in two weeks' time. This Premises Licence had been held for a number of years. Uygur Altun was in attendance at this hearing, and he remained the licence holder responsible for operation of the licence. The variation application should not be material to a decision at this meeting. The Licensing Authority had rejected proposals for reduction of hours and still sought revocation of the licence.
6. The Chair advised that the hearing was going to go ahead. He acknowledged the points made on behalf of the Premises Licence Holder but the sub-committee were minded to hear the review application today. The review application had been made on 4 November 2014, which was three months' ago, and related to a specific matter, which warranted consideration today. A change of Designated Premises Supervisor could be covered outwith of this hearing. The Chair clarified the process and order of the meeting.
7. The Chair granted a request for a five minute adjournment to allow Mr Howarth to explain the procedure to Mr Altun as he was not sure that English was his first language.
8. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority were requesting revocation of the Premises Licence of Asya Wine Centre.
 - b. On 11 August 2014 Trading Standards received allegations that the premises had been selling under the counter cigarettes for some time. On 15 August 2014 this was proved true as a sale was made to an officer carrying out a test purchase.

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- c. On 22 August 2014 an inspection found Famous Grouse whisky with duty stamp obliteration stickers removed on display.
 - d. These discoveries undermined the licensing objective of the prevention of crime and disorder.
 - e. The Secretary of State believes that the sale of smuggled alcohol should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.
 - f. This was not the first instance at this premises. The same person had held the licence since 2006. In 2009 Mr Altun was prosecuted following the seizure of vodka containing dangerous levels of methanol.
 - g. Conditions to the licence were strengthened, and the licence holder was warned in writing. Therefore the licence had conditions already included which were the additional conditions which the Licensing Authority would seek when such issues were discovered.
 - h. In May 2014 a letter in respect of new mandatory conditions attached to the licence was sent to the premises from the Licensing Team and including a further advice warning from Trading Standards.
 - i. There had been repeated breaches of licensing conditions especially Condition 15 that a personal licence holder be present on the premises throughout the permitted hours for the sale of alcohol.
 - j. Officers also had concerns regarding drugs paraphernalia for sale on the counter.
 - k. Charlotte Palmer had hand delivered the licence review application to the premises and had witnessed a customer with £5 in their hand ask for duty free cigarettes. Other officers had witnessed similar occurrences at the premises.
 - l. The premises was located within the Enfield Highway Cumulative Impact Policy (CIP) area.
 - m. There was already crime and disorder in this area. Activities at this premises could be adding to problems in the area.
 - n. The Licensing Authority had no confidence in those running this premises and they therefore asked for the licence to be revoked.
9. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
- a. The Police supported the application by the Licensing Authority for revocation of the licence.
 - b. Research was carried out on the Police intelligence systems in relation to this premises: no results came back.
10. Questions were invited on the introductory statements:
- a. The Chair asked the Principal Licensing Officer's views on the drugs paraphernalia and how that would undermine licensing objectives. It was advised that the equipment being sold was for smoking cannabis and would encourage such activity, eg Rizla papers, and grinders to grind it into a more usable material to smoke, and the scales could be

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used for other drugs. The equipment would encourage people to partake in illegal and nefarious activities.

b. In response to the Chair's queries about offences alleged arising from the 15 August 2014 test purchase, Charlotte Palmer confirmed that tobacco products legally must have health warnings written in English; and it was an offence under the Licensing Act 2003 to keep smuggled goods at the premises. The packet of cigarettes sold to the officer had foreign labelling – that was an offence – and having smuggled goods was an offence.

c. In response to the Chair's queries about the Licensing Enforcement Officers' visit on 5 February 2015 set out in the Licensing Authority's additional information, Charlotte Palmer confirmed that at this inspection there were entries in the refusals book (there were 13 entries since the last visit, in comparison to none in the previous month). There was also a record that six named staff had received training on 23 January 2015 – the same date as the previous inspection. The Premises Licence Holder had said that the training was done that day after the officers had left. Charlotte Palmer advised that there were not normally six staff at the premises at the same time, and it could be questioned whether Mr Altun would be able to get them all in. The inspection on 23 January 2015 had taken place in the evening, at 19:40. Therefore if the training had taken place on that day they would have had to get all six people in on that evening. She confirmed that a personal licence holder was present at the 5 February 2015 visit, and that this visit was not a pre-booked appointment.

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

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

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

g. The licence holder's representative asked about the novelty bags, scales, etc, noting that it was open for those items to be sold, that they

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were available from wholesalers and frequently promoted at cash and carry establishments. Charlotte Palmer responded that it was not illegal to sell these items, but that she had never seen them displayed in such a manner, on the counter, where sweets were also displayed.

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

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

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- I. It may be that Trading Standards would want to add further conditions to the licence for Mr Altun to be able to prove the source of goods and that there were no more incidents of non duty paid goods. All of these things could be built into a licence as they were easily verifiable. Mr Altun had started complying with the refusals book. The panel may want to stop him from trading until this was done, by suspending the licence.
12. Questions were invited on the representation:
- a. The Chair highlighted that the licence holder had “started complying with the refusals book”, but checked and received confirmation that he had held the licence since 2006, had been prosecuted in 2009, and had varied the licence to strengthen conditions in 2012.
 - b. The Chair questioned why the licence holder had not acted on the letter of May 2014 and the Trading Standards advice that tobacco and alcohol must be bought from a reputable supplier and products must be evidenced by receipts, given the smuggled goods found at the premises in August 2014. It was responded that Uygur Altun was not making the purchases at that time. Purchasing was being done by someone else who came to help him. Mr Altun accepted that he had been in the wrong as he was responsible as the licence holder, but it could be seen that he was making a determined and focused effort now to put things right.
 - c. The Chair further questioned whether this may be acting too late, given that Mr Altun had operated the licence for nine years. Mr Howarth was not sure what advice Mr Altun may have had in the past, but that after this hearing he would be told that he could not be running a business, especially a regulated business, in such a way, and he had to be clear about what his responsibilities were. However, the panel’s decision-making was not meant to be punitive. The business had to operate with regard to the licensing objectives, but the response had to be proportionate.
 - d. Councillor Vince asked about the non duty paid goods found and whether Mr Altun had asked for receipts for the goods and whether receipts had been seen by officers. Mr Howarth conceded that Mr Altun had no details and was not given receipts for these products. His general impression of how Mr Altun ran the business was that he tended to get goods from a variety of wholesalers. His record keeping was arguably very poor at that time. In meeting new conditions he would be required to make improvements in receipt keeping and proving that all duty payable goods were coming from reputable suppliers. In response to further questioning about receipts, it was advised that Mr Altun did keep invoices now and that goods were purchased from reputable sources. Mr Altun had been able to show invoices and where goods were from on recent officer inspections.
 - e. Councillor Vince expressed concerns that this premises was near to a very large secondary school and that sales may be made to youngsters, given the history of non compliance with licence conditions.

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It was responded that Mr Altun had gone some way in recent times to make proper efforts that sales were correctly refused. A refusals book was kept up to date. 'Challenge 25' notices were up and facing the right way, and Mr Altun had called in all staff to receive training.

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

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

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

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

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

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- k. Charlotte Palmer asked if Uygur Altun could please confirm his home address, and when he moved to that address. This was confirmed as 29 Mayfield Road, Enfield, EN3 7LS and he had moved there two weeks ago.
- l. Charlotte Palmer asked why a copy of the review application which had been sent to the Premises Licence Holder's address given on the licence (6 Martins Drive, Cheshunt) had been returned marked "addressee unknown" on 11 November 2014, and why no action had been taken when officers advised that the address on the Premises Licence needed to be changed. It was an offence not to advise the Licensing Authority of a change of address under the Licensing Act. It was responded that Mr Altun used a number of family addresses and that the Martins Drive address was still used. However, Mr Altun had experienced domestic problems which were the reasons for changing his address. He was not able to explain why members of his family sent his post back. Mr Altun had been at Mayfield Road for the last two weeks and was in the process of notifying everyone that this was his new address and that he would no longer be using the Cheshunt address. Mark Galvayne confirmed that no notification or appropriate fee for the change of address had been received by the Licensing Authority, and noted that Mr Altun had been represented over the last three months by Oakfield Solicitors.
- m. Charlotte Palmer asked if Mr Altun could confirm that on 23 January 2015 officers advised that his address needed to be changed. Mr Howarth advised that Mr Altun had started living at the Mayfield Road address at about that time.
- n. Charlotte Palmer asked about Mr Halil Bolat, advised as the potential new Designated Premises Supervisor, and his relationship to Mr Altun. It was advised that Mr Bolat was not a relative, but an employee and it was planned to install him as manager to run the entire business on Mr Altun's behalf. Mr Altun would remain the business owner.
- o. Charlotte Palmer raised the offer made to reduce licensed hours, but asked how that would solve the issues of concern of non duty paid goods at the premises. It was advised that reduced hours were not designed to address that issue, but to address concerns that the policing of the business was causing more problems than it should and its impact in the CIP area. The aim was to bring the operation's licensed hours into line with the zone. In respect of non duty paid goods, there had been specific incidents, but nothing since January. There was no evidence of an ongoing pattern of breaches. The origin of goods could be verified.
- p. Councillor Vince asked when a change of address should be notified. Mark Galvayne confirmed that "forthwith" was the requirement.
- q. In response to Councillor Vince's query why the Licensing Authority was not notified of the change of address straight away, it was advised that initially this had been an ad hoc arrangement for Mr Altun with a friend, around the 25 January 2015. He conceded that notification

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should have been made as soon as practicable, but his situation had to be considered in the context of his domestic problems and having to move all his belongings. Mark Galvayne advised that failing to notify a change of address as soon as reasonably practicable was an offence and subject to a £500 fine under Section 33 of the Licensing Act. He would consider 'reasonably practicable' as the next working day.

r. In response to the Chair's question about relevance of licensed hours to the issues of concern, it was advised that the reduction in hours would address points in relation to the CIP and policing generally and would seem to be an appropriate step to take. There were other conditions on the licence that could be strengthened to address other issues.

s. In response to the Chair's further queries about the suggestion that Halil Bolat be installed as manager and whether he was a current member of staff, it was advised that he was now working as an employee. He was not one of the named members of staff recorded as having received training on 23 January 2015. He had started working at the premises after that date. He would be trained.

13. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraphs 4.6 to 4.8 of his report.
 - b. This was not the first instance of criminal activities. Over six years of trading there had been instances in 2009, 2012 and 2014.
 - c. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
14. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
 - a. There was a pattern of illicit tobacco and alcohol at this premises, in 2009, 2012 and 2014.
 - b. The Premises Licence Holder had already been given a second chance and the licence strengthened so that it had included suitable conditions already for some time.
 - c. The licence holder had a history of breaching conditions.
 - d. The Licensing Authority considered that the appropriate action was revocation of the licence.
15. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's application for revocation of the Premises Licence.
16. The closing statement of Mr Philip Howarth, Barrister, on behalf of the licence holder, including the following points:
 - a. There had to be regard to the overall objectives of the Licensing Act, including that businesses should continue to operate within the law.

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b. All issues raised by Trading Standards and the Police could be met over a period of time, and a suspension of the licence should be considered so that proper rigorous systems could be put in place under a new manager.

RESOLVED that

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

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

2. The Chairman made the following statement:

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

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

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

The panel also heard that the Premises Licence Holder offered to reduce the hours during which alcohol may be sold as a mitigating and corrective factor, and to bring the premises in line with the cumulative impact policy as applies in this area. However, we were not persuaded by the arguments made in the submission on the basis that the sale of counterfeit and non-duty paid goods is not time sensitive. Furthermore, the full licence inspection which occurred at 19:40 on 23 January 2015, being more than two months after the review application was made,

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additionally revealed a series of non-conformity with current conditions. Initially on that day, and we heard further evidence regarding five other separate occasions, Mr Uygur Altun was not present on the premises when the officers arrived. This repeated breach of Condition 15 was a matter of specific concern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MINUTES OF PREVIOUS MEETING HELD ON 21 JANUARY 2015

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RECEIVED the minutes of the meeting held on 21 January 2015.

AGREED that the minutes of the meeting held on 21 January 2015 be confirmed and signed as a correct record.