MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY, 13 MAY 2015

COUNCILLORS

PRESENT (Chair) Derek Levy, Toby Simon and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Ms Karen Cochrane and Mr Mark Walsh (for The Winchmore) Mr Duncan Craig, Mr Suleyman Erdogan, Mr Mahir Kilic and Ms Emma English (for Hertford Food Centre)

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WELCOME AND APOLOGIES FOR ABSENCE

NOTED

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

2. There were no apologies for absence.

3. As this was his final meeting as Chair of Licensing Committee, Councillor Levy wished to record his thanks to all the councillors and all the officers who had supported him throughout his time as Chair.

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DECLARATION OF INTERESTS

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

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THE WINCHMORE, 235 WINCHMORE HILL ROAD, LONDON, N21 1QA (REPORT NO. 237)

RECEIVED the application made by Star Pubs & Bars Limited for the premises known as and situated at The Winchmore, 235 Winchmore Hill Road, London, N21 1QA for a new Premises Licence.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
   a. This was an application for a new premises licence by Star Pubs & Bars Limited.
   b. There was already a licence at this premises covering the same hours and activities as applied for. Therefore the premises would still have a valid licence in place in any event.
   c. This premises licence had not been subject to review under the current premises licence holder.
   d. It would have been acceptable to make an application to vary rather than a new application.
   e. The original application had sought an extension of hours for the sale of alcohol and opening hours. However, the applicant had agreed to make amendments, and now sought alcohol sales to 23:00 daily and the premises to close at 23:30.
   f. Recent changes to the Licensing Act 2003 were highlighted in respect of regulated entertainment.
   g. Representations from the Licensing Authority and the Metropolitan Police had been withdrawn.
   h. Representations had been received from 55 local residents, mainly in objection to the hours sought in the original application. 44 of these representations had been withdrawn, leaving 11 representations against this application from residents at 11 separate addresses in the vicinity of the premises. Since the LSC report was published, there were now only two valid representations; from IP1 (letter on page 34) and from IP31 (letter on page 43). Those two residents were not in attendance today, but full consideration should still be given to their representations.

2. Questions were invited on the introductory statement:
   a. Councillor Simon raised that Licensing Sub-Committee had considered a previous review of the premises licence and the hours now applied for were in line with the judgement made on that occasion. Ellie Green confirmed that was the case, but that the review was under a different premises licence holder.
   b. In response to the Chair's queries about whether she had had conversations with the two interested parties, Ellie Green confirmed that letters had been sent to the interested parties to inform them of the up to date position. IP1 had been spoken with on the phone: she was not sure he had completely understood the process, but he was happy to have his representation still considered. IP31 had not responded to any emails nor made contact.
   c. The Chair queried whether interested parties acknowledged that this was a different applicant and not The Willow and the venue would be operated in a different way. Ellie Green could only comment on IP1, who did appreciate this was a different premises licence holder.

3. The statement of Ms Karen Cochrane, solicitor, on behalf of the applicant, including the following points:

a. She was accompanied by the applicant, Mr Mark Walsh.

b. An application for a new premises licence had been made for the Winchmore public house as there had been quite significant activity in relation to the licensing of this premises.

c. She had worked for Star Pubs & Bars Limited for some time. The company had operated mainly in the North before this year. They were a new operator and had not been fully aware of previous issues before making the original application.

d. Seeking of additional conditions and an extension of hours on Fridays was routinely not controversial.

e. The condition on the previous licence in respect of door staff would not fit in well with the operation now proposed.

f. The premises had received a significant refurbishment with hundreds of thousands of pounds spent on it, and was proposed to be a food-led venue that would be family-friendly and at the heart of the community.

g. Mark Walsh would be the Designated Premises Supervisor. He was currently manager of the Ship Inn at Holborn and prior to that of the Oxford Arms in Camden and had no problems at either premises. He would also be living on site at the Winchmore.

h. The only music proposed was background music. There would be no regulated entertainment or bands. With that in mind, they did not want SIA badged staff on the doors, and this was the reason the application for a new premises licence had been made.

i. The original application had requested additional hours on Fridays. To their company this had seemed uncontroversial, but it had very quickly become clear that considerable concerns remained in relation to the premises. As soon as that was communicated, a meeting was arranged for the community and was attended by a number of local residents and was ultimately a very positive experience.

j. In response to the concerns expressed, the original application was amended. The additional hours proposed on Fridays were withdrawn, and the hours on the previous licence were reverted to.

k. The conditions proposed by Environmental Health were all agreed.

l. The removal of the condition relating to door staff had not been opposed by the Police.

m. The front outside seating area would not be used after 19:00. The external area at the rear would be restricted to smokers after 22:00.

n. The Licensing Authority and the Police had been very helpful. The premises was always going to be somewhat tarred by the previous operator, but time would tell this would be a different operation. The new licence holder would need to prove themselves, but this business would cause no concerns. In any case, there remained the usual safeguard of potential to review a premises licence. If there was any need to make variation to the licence, the applicant would liaise with the responsible authorities in advance of any application.

o. But for the history of the premises, this application would have been different, but it was believed that it had been amended to what would be acceptable. The track record of the operator meant that the application could be safely granted and in accordance with promotion of the licensing objectives. It was hoped that the licence would be satisfactory to everybody and that the premises would be an asset to the area.

4. Questions were invited on the representation:
a. In response to the Chair's queries, Ellie Green confirmed that Annex 05 set out the agreed conditions to be added to a new licence, and that the Police had not asked for a condition regarding door supervisors to be included.
b. The Chair asked whether the two interested parties had attended the meeting held with the community. The applicant was not sure if he had met them.
c. In response to Councillor Simon's queries regarding Condition 15, the applicant advised that he would prefer to keep the condition although in effect it was not required since the recent changes to licensing legislation regarding regulated entertainment. The conditions also acted as an aide memoire to licence holders about important issues.

5. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
a. Having heard the response from the applicant, the Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
b. The Home Office Guidance s. 10.13 and 13.18 were highlighted for Members' attention, as set out in paragraph 5 of her report.

6. Ms Karen Cochrane, solicitor, on behalf of the applicant, had covered all points in her statement, but wished to thank the Licensing Authority officers for being very helpful throughout the process.

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 considered all the written and oral submissions, the Licensing Sub–Committee (LSC) believes that it is appropriate for the promotion of the licensing objectives to grant the application in full – as all sufficient steps have been taken so to do.

We note that the original application has been amended to reduce the terminal hours until 11:30pm – and all remaining licensable activities would have to cease at 11:00pm. In addition, the wide range of conditions that have now been agreed and added has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations. And we, as a sub-committee, having questioned and reviewed these conditions ourselves agreed.

The LSC has taken note of and addressed the concerns of the remaining objectors, but does not feel that the objections are sustained."

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:

   (i) Hours the premises are open to the public : from 09:00 to 23:30 daily.
   (ii) Supply of alcohol (on and off supplies) : from 10:00 to 23:00 daily.
   (iii) Conditions in accordance with Annex 05 to the LSC report.

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HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, ENFIELD, EN3 5BL (REPORT NO. 238)

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Mr Suleyman Erdogan at the premises known as and situated at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5BL.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
   a. This was an application to review a premises licence, made by the Licensing Authority and related to the prevention of crime and disorder licensing objective.
   b. There had been two occasions when non-duty paid alcohol and tobacco were found on the premises over the last 14 months.
   c. A former premises licence was revoked in July 2011 following a review application, relating to the sale of non-duty paid alcohol, submitted by Trading Standards.

d. A new premises licence was issued in September 2011 naming the premises licence holder as Mr Suleyman Erdogan. It had now been found that Mr Erdogan was a business partner of the former licence holder, Mr Sefer Govtepe.
e. The Licensing Authority were asking for a revocation of the premises licence.
f. The Licensing Authority's application was supported by the Metropolitan Police.
g. If the Licensing Sub-Committee were not minded to revoke the licence, the Licensing Authority had proposed a number of additional conditions to form part of the premises licence. Those conditions had now been agreed by the premises licence holder.
h. Mr Suleyman Erdogan was present at this meeting, represented by Mr Duncan Craig from Citadel Chambers.

2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
a. This application to review the premises licence was made following the discovery that the premises had been found to be selling non-duty paid alcohol and cigarettes.
b. The Government consider that activities including the sale of smuggled tobacco and alcohol should be treated particularly seriously, and that it is expected that revocation of the licence – even in the first instance – should be seriously considered.
c. At a Trading Standards and HMRC joint visit on 12/03/14, officers seized 73 bottles of alcohol with counterfeit back labels. A warning letter was issued advising that "should similar matters be brought to our attention again, it is unlikely that we shall adopt such a lenient approach".
d. Non-duty paid tobacco was found on the premises on 15/08/14 by Licensing Enforcement officers.
e. A multi-agency operation in June 2014 did not find non-duty paid items. However, following further allegations, on 24/02/15 a visit with a tobacco-detecting dog found non-duty paid tobacco concealed in a set of drawers. There was a false bottom to the drawers. This strongly suggested that operators knew the items were illegal. At a meeting involving all parties held on 03/03/15, Mr Govtepe commented that it was because "everything was so expensive". He also commented that three non-duty paid bottles of vodka seized were a gift; this breached Condition 19 of the licence.
f. There were already a number of conditions on the licence designed to prevent this type of activity.
g. Other breaches had been found previously, but all but one were now in compliance.
h. One review had been held already in July 2011 and the premises licence revoked. Had officers discovered at the time that the new applicant was a business partner of the previous licence holder, they would have objected to the granting of this premises licence. At no time

had Mr Erdogan said he did not know what his business partner was doing.
i. These repeated offences showed a disregard for the law and the licensing objectives.
j. Licensing Authority officers had no confidence in the operators of this premises and considered there was no alternative but to recommend revocation of the premises licence.

3. The statement of PC Martyn Fisher, Metropolitan Police Service, including the following points:
a. The Police supported the Licensing Authority in seeking revocation of the premises licence.
b. The grounds for this recommendation was prevention of crime and disorder, on the grounds that the premises had been found to be selling alcohol with counterfeit back labels in March 2014, non-duty paid cigarettes in August 2014 and non-duty paid alcohol and tobacco in February 2015.
c. There had already been a revocation of one licence in 2011 for similar offences. The previous and current licence holders were business partners and so that revocation was also relevant in this case. The same illegal activities had continued to take place at this premises.

4. Questions were invited on the introductory statements:
a. In response to the Chair's queries regarding the connection between the previous and current licence holders, Charlotte Palmer confirmed that the Licensing Authority would have definitely contended the granting of a premises licence if they had known that Mr Erdogan and Mr Govtepe were business partners. She was one of the officers who visited the premises on 24/02/15 and saw Mr Govtepe being interviewed by HMRC. Mr Govtepe was the person who came forward as running the premises.
b. In response to the Chair's queries about the reasons for leniency in 2014, Charlotte Palmer advised that a number of operations had been run at that time, including test purchases, and it was felt better to wait to see what those operations brought up. There was no tobacco detection dog involved on that occasion. It was then considered that there had been a significant time lapse since the visit in March, but the operators had been lucky in their treatment on that occasion. Charlotte Palmer also confirmed that a copy of the letter sent to Mr Erdogan, dated 09/09/14 was included on page 116 of the agenda pack. This letter was sent as a result of what was found in March 2014.

5. The statement of Mr Duncan Craig, Barrister, on behalf of the Premises Licence Holder, including the following points:
a. He was accompanied by Suleyman Erdogan, the Designated Premises Supervisor (DPS) and Premises Licence Holder, Mahir Kilic from NARTS who represented Turkish shop owners and would assist with interpretation, and his assistant Emma English.

b. Mr Erdogan did deny knowledge of those items on the premises.
c. Mr Erdogan had been in business with Mr Govtepe, but SAL solicitors had now been instructed to dissolve the arrangements between them. Their relationship had broken down, and Mr Erdogan had instructed solicitors to resolve this by buying shares from Mr Govtepe or removing him from the Share Register. Mr Erdogan had given assurance that this would be dealt with within an eight week period.
d. Within Annex 04 on page 73 of the agenda pack there was reference to the meeting on 08/04/15 at which he and Mr Killich were present, but Mr Erdogan was out of the country, in Turkey, for a six week period including 27/02/15. It was right to say that at the time of the raid on 24/02/15 Mr Govtepe was present and accepted full responsibility for the cigarettes. In respect of the three bottles of vodka found on the shelf, that quantity was significantly less than was found on 12/03/14, for which the premises was subject to a warning letter. While understanding that all matters should be taken into account, this alcohol found was a minimal amount. It was understood this vodka had been brought in by a customer as a gift and erroneously placed on the shelf by a member of staff while Mr Erdogan was away. He would submit that was conclusive proof that he was out of the country at a material time in relation to seized cigarettes and alcohol.
e. There had been a number of other visits, as listed chronologically in Annex 03. On 23/05/14 there was a test purchase which was passed. On 02/06/14 the premises was compliant on matters of interest to HMRC Living Wage and Immigration Enforcement. A further test purchase was also passed on 22/07/14. So this was not a premises with consistent failings on every occasion.
f. The letter in 2014 suggested that the step of revocation would be excessive given the small number of bottles, and given the responsibility accepted by Mr Govtepe, who was being taken out of the business.
g. In respect of this hearing, the points he wished to highlight were:
(i) Conditions had already been agreed with the Licensing Authority subject to revocation not occurring;
(ii) It would be appropriate in the circumstances to lose one hour on the licence to bring the hours into line with the Enfield Highway Cumulative Impact Policy Area (CIP) core hours;
(iii) He would offer a suspension of the licence for a period of eight weeks. This was suggested to allow Mr Govtepe time to be removed from the business. That would punish the licence holder and punish the business and concentrate the mind and ensure further steps were taken to uphold the licensing objectives going forward.
These were appropriate and proportionate actions that he would invite the sub-committee to follow.

6. Questions were invited on the submission:

a. In response to Councillor Simon's queries whether the 14 days for compliance relating to supply of invoices for the last month's alcohol purchases requested on 24/04/15 were met, it was confirmed the invoices had not been provided and the 14 days had expired.
b. The Chair referred to one of the reasons given in mitigation being that the amount of three bottles of vodka seized on 24/02/15 was relatively insignificant, but that this was still nonetheless an offence. This was agreed by Duncan Craig.
c. In response to the Chair's further questioning that the amount of goods seized in March 2014 was significant and was during Mr Erdogan's period of responsibility, this was acknowledged and that Mr Erdogan was the Designated Premises Supervisor (DPS) of the shop.
d. The Chair asked if Mr Erdogan had abdicated responsibility for acquisitions and sales or whether all actions were down to Mr Govtepe. Duncan Craig advised that in terms of his instructions and the evidence, he had offered an explanation around the 24/02/15 visit. However, Mr Erdogan was the DPS and had to take a degree of responsibility. The suggestions made did acknowledge that there had been shortcomings on Mr Erdogan's watch.
e. In response to the Chair's further query, it was confirmed that Mr Erdogan's watch began on 06/09/11.
f. The Chair raised that Mr Erdogan became the licence holder in the knowledge of the previous revocation, and asked how he did not know of items in stock on the premises for which he had responsibility. It was advised that Mr Govtepe bought the items in question, notwithstanding that Mr Erdogan had responsibility as DPS.
g. Given the degree of ignorance around what was going on, the Chair questioned whether Mr Erdogan was a fit and proper person to be the DPS. Duncan Craig suggested that was not a matter for him to comment on.
h. In response to the Chair's question whether a suggestion that the DPS be removed was being offered, Duncan Craig advised that if the sub-committee felt that would be an appropriate step, it would not be resisted.
i. At the request of the Chair, Duncan Craig read para 5.8 of the Relevant Law, Guidance and Policies ie "Where reviews arise in respect of these criminal activities and the sub-committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28]". He acknowledged that the crime prevention objective was undermined on 12/03/14, and that was the second occasion the objective was undermined, in terms of the premises.
j. Duncan Craig also confirmed that the seizure of other non-duty paid items on 24/02/15 was another occasion on which the crime prevention objective was undermined.
k. In the light of the above, the Chair questioned the suggestion that the premises did not have consistent failings. Duncan Craig advised

that he had stated that the premises were not found to be failing on every occasion or visit, as there had been several test purchases etc. There were occasions that showed compliances. The guidance in s.11.28 should be seriously considered, but also any determination made should be proportionate. If the seizure on 12/03/14 had been considered so serious there had been nothing preventing the Licensing Authority taking proceedings at that time, but they had not.

l. Further to the seizure of three bottles of vodka mentioned, the Chair highlighted that also on 24/02/15 the 93 packets of non-duty paid cigarettes had been found. Duncan Craig advised that these had been mentioned, and that Mr Govtepe had said that he was responsible for purchasing them and for where they were hidden away.

m. The Chair asked about breaches of conditions found on 23/05/14, and the level of responsibility of Mr Erdogan. Duncan Craig was able to confirm that the ultra violet light was now working. He had also seen the training record and that was significantly improved. Since the time of the raid in March, significant improvements had been made.

n. The Chair highlighted that on 15/08/14 certain conditions continued to be in breach and that warning letters had been issued regarding the operation of the licence. He questioned whether the licence holder was fully able to assert his responsibility for the licence. Duncan Craig suggested that his removal as DPS may be appropriate.

o. Councillor Simon asked about the company's trading structure. It was confirmed that Hertford Food Centre Limited was a registered company, and evidence of the Company Register Information had been included by officers in the agenda pack, and was advised that Mr Govtepe resigned as a Director some time ago. Charlotte Palmer highlighted, as stated on page 69, company information on the Companies House website checked on 04/03/15 confirmed that Mr Sefer Govtepe was the current Director and Mr Suleyman Erdogan was the Director until 20/05/14. Duncan Craig apologised and confirmed that was correct. He advised that Mr Govtepe wanted to be sole Director. As an officer of the company he had a degree of control over it. Ellie Green confirmed that the premises licence holder was named as Mr Erdogan, it was not under the company name.

p. Councillor Simon asked about Mr Erdogan's view regarding when the concealed drawer was constructed. Mr Erdogan advised he did not know about it until he got back from Turkey. He never knew about its existence.

q. In response to Charlotte Palmer's queries, it was advised that Mr Erdogan first became connected with the business in 2009. Mr Erdogan also confirmed that he was aware of the reason for the revocation of the previous premises licence, and that he realised the seriousness of the matters and potential consequences. Mr Erdogan confirmed that he was at the premises on 24/02/15 when Charlotte Palmer and HMRC officers visited.

r. Charlotte Palmer questioned why, despite two meetings with her and PC Fisher, Mr Erdogan had not previously said that he was not aware

of the concealed drawer and non-duty paid items: at no time had Mr Erdogan said he did not know what his business partner was doing. In response, Mr Erdogan stated that nobody had asked. Duncan Craig had been present at the meeting on 08/04/15 and advised that this meeting was rather for the purpose of exploring the potential for resolution. Duncan Craig confirmed he was not present at the meeting held on 03/03/15. Charlotte Palmer advised that the premises licence holder had requested to have a meeting with officers: this was held on 03/03/15 and was not part of the criminal investigation. At that meeting, Charlotte Palmer had stated that they obviously knew it was wrong otherwise it would not have been hidden in secret drawers, but at that point Mr Erdogan had not said he had not been aware of the drawers. In response, Mr Erdogan clarified that Mr Govtepe had responded to that point at the meeting in March and Mr Erdogan had not felt it was necessary for him to say anything as he had not known about the drawers.

s. In response to Charlotte Palmer's question regarding what action if any was taken by the licence holder, having received the warning letter dated 09/09/14, Mr Erdogan advised that he had paid attention to the letter, but obviously his business partner did not pay attention. He also noted that this letter was sent six months after the seizure in March 2014.

t. PC Fisher asked why Mr Govtepe was not present at today's hearing, as he had an interest in the business as a partner and was being blamed for his actions but was unable to defend himself or give his own account. It was advised that Mr Erdogan was the premises licence holder and DPS and that the business relationship had broken up so that was why Mr Govtepe was not here. These review proceedings were against Mr Erdogan. The Chair remarked that it was for the sub-committee to consider the weight to give to information.

u. In response to the Chair's further queries why it had not been possible for the licence holder to supply copies of the invoices requested, even with a review pending, it was advised that these had been with the accountant during this period but Mr Erdogan was getting them back this week. Mr Erdogan had not been able to get them back from the accountant. Charlotte Palmer added that at an officer visit in May, some invoices had been retrieved and were examined.

7. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:

a. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.

b. To assist with their decision making, the Council's Licensing Policy s. 10.3, and Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraph 5 of her report.

c. She had not been aware that the licence holder would offer a reduction in licensed hours in line with the CIP policy, but the Licensing

Authority still felt it was necessary to recommend revocation of this premises licence, taking everything into consideration.
d. There was a significant history of wrong doing at this premises. She was not aware of any other premises where a licence had been revoked and then the new licence had been subject to a review. The current business was connected to the previous business, and Mr Erdogan had worked at the premises since 2009. The licence already had conditions attached which related to preventing the activities which had been discovered. The total tax evaded based on the three occasions when goods were seized was £670.18. The Licensing Authority had no confidence in those running the premises, and strongly believed that it was appropriate for the premises licence to be revoked.

8. The closing statement of Mr Duncan Craig, Barrister, on behalf of the Premises Licence Holder, including the following points:
a. He had had the opportunity to take instruction from Mr Erdogan, and confirmed it would be acceptable for the DPS to be removed.
b. The review had been brought against this premises licence and Mr Erdogan as the named current licence holder and DPS, and should be judged on that basis. He was in business with Mr Govtepe, but was taking steps to resolve that.
c. There were two strands of evidence to support the contention that Mr Erdogan did not know about the wrong doing at the premises. He was away immediately prior to when the raid occurred in February 2015 and had been away for six weeks. There was also the admission by Mr Govtepe at the scene that he was responsible for buying the tobacco and building and for installing the concealed drawers.
d. Steps had been taken and mitigation offered. More appropriate actions suggested included a suspension of the licence for eight weeks to enable Mr Erdogan's business partner to be removed.

9. The Legal Services officer's advice that the sub-committee should consider the control of the business and the ability of the licence holder to operate this licence lawfully.

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 considered all the written submissions and listened attentively to all the oral submissions at the hearing, the Licensing Sub–Committee (LSC) determined that the appropriate step to be taken in response to the application to review the licence, and for the promotion of the licensing objectives, is to revoke the licence.

The Council's Licensing Policy and statutory guidance are clear that in the event of criminal activity, by way of counterfeit or non-duty paid goods being acquired and sold, revocation even in the first instance should be seriously considered.

We have heard the history of these premises, which includes revocation of a previous licence for the same reasons – and at a time when the current Premises Licence Holder / Designated Premises Supervisor was involved as an employee of the business; and that Mr Erdogan made an application for a new licence the very next day. This was made in full knowledge of the reasons for the revocation.

We further heard that a significant seizure of counterfeit goods was carried out on 12th March 2014; and that there have been two further episodes of a different scale since that time.

The licence holder, through his representative, admitted that each of these incidents undermined the prevention of crime and disorder licensing objective, as well as the former revocation doing so.

Even if the LSC were persuaded that Mr Erdogan was ignorant of the actions of his business partner – Mr Sefer Govtepe – he has failed to demonstrate any capability to control those actions as they impact on his responsibilities to operate his licence lawfully.

Alternatively, he knew exactly what was going on with regard to the sale of non-duty paid goods and chose either to condone it or turn a blind eye.

By the licence holder's own admission, he has more than once been out of the country for long periods, and this further hampers his ability to assert control of the business.

When questioned about the failure to supply invoices pertaining to the purchase of duty paid goods as recently as April 2015, it again demonstrated his lack of ability to even obtain invoices from his own accountant despite being in the knowledge he faced a review of his licence.

The LSC was not satisfied by the answers given, and believed it to be an aggravating factor to the litany of failures, and breaches of other conditions of the licence.

Therefore, the LSC finds that the applicant has made its case in full, and that revocation is appropriate for the promotion of the licensing objectives."

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

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MINUTES OF PREVIOUS MEETING HELD ON 15 APRIL 2015

RECEIVED the minutes of the meeting held on 15 April 2015.

AGREED that the minutes of the meeting held on 15 April 2015 be confirmed and signed as a correct record.