

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 10 AUGUST 2016**

**COUNCILLORS**

**PRESENT** (Chair) Chris Bond, Christine Hamilton and Jim Steven

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Victor Ktorakis (Licensing Authority), Steve Elsmore (ASB Unit), Dina Boodhun (Legal Services Representative), Metin Halil (Democratic Services)

**Also Attending:** Mr & Mrs Qadeer (Food & Wine Express), Mr Graham Hopkins (GT Licensing Consultants) and Councillor Derek Levy.

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**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond as Chair welcomed all those present and explained the order of the meeting.

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**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest.

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**FOOD & WINE EXPRESS, 349 BOWES ROAD, LONDON, N11 1AA  
(REPORT NO. 60)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Mr Abdul Qadeer at the premises known as and situated at Food & Wine Express, 349 Bowes Road, London, N11 1AA

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:

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- a. This was an application for review of a premises licence, sought by the Licensing Authority.
  - b. The premises was an off licence. The premises licence permits it to remain open for the sale of alcohol for 24 hours daily.
  - c. Mr Abdul Qadeer is the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS). The review application was submitted by the Licensing Authority and an opportunity to submit a minor variation application was not followed through by Mr Qadeer.
  - d. The premises had been found to sell non-duty paid alcohol and tobacco and breaches of licence conditions had been witnessed. Therefore the grounds of the review were based on the crime and prevention licensing objective.
  - e. The Licensing Authority sought a number of conditions to be added and for a suspension of the premises licence of no more than 3 months to take place until the local authority were satisfied that all the conditions were compliant.
  - f. Mr Graham Hopkins (Agent), who was acting on behalf of Mr Qadeer had indicated a full agreement to all the conditions as per Annex 5 of the report (Page 53). No agreement had been made relating to the suspension of the licence and therefore this was the only matter up for discussion today.
  - g. The review application was supported by the police. Steve Elsmore from ASB unit was here today stepping in for PC Martyn Fisher. Victor Ktorakis (Licensing Authority), Mr and Mrs Qadeer and Mr Graham Hopkins (Agent from GT Licensing consultants) were also present.
2. The statement of Victor Ktorakis, Licensing Authority, including:
- a. Enfield Licensing Authority sought the review of this premises licence on the grounds that the premises have been found to be selling non-duty paid alcohol and tobacco and continuous breaches in licensing conditions.
  - b. The premises was visited on the 22 April 2016 by Licensing Enforcement Officers, HMRC and a sniffer dog handler from Operation Wagtail. The following items were seized:
    - 30 x 50g Golden Virginia rolling tobacco
    - 77 x 50g Amber Leaf rolling tobacco
    - 22 x 70cl Smirnoff Vodka
    - 12 x 70cl Glens VodkaThe alcohol bottles had fake VAT back labels on them.
  - c. As this was the first offence, the Premises License Holder (PLH) was written to and advised to submit a minor variation application so as to amend and strengthen the licensing conditions in the hope that this would stop him from selling non-duty paid goods in the future.
  - d. The PLH did not take up the offer within the 2 week time frame leaving the local authority with no choice but to review the licence and request that conditions be amended and added.

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- e. As mentioned, the PLH had since agreed to the conditions as sought by the review.
  - f. Licence inspections discovered licence conditions were being breached in March 2016. 8 were being breached in May 2016 and 4 were being breached in June 2016. 3 of these conditions related to training.
  - g. Along with the non-duty paid goods, this has led to a lack of confidence in those running the premises and their ability to comply with the licence.
  - h. The Licensing Authority therefore recommended that the premises licence also be suspended for a maximum of 3 months until compliance with all licensing conditions including the new additional conditions.
  - i. 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 has been undermined, then the revocation of the licence (even a first offence) should be considered. That being said, should non-duty paid goods be found at the premises in the future, the licensing authority will seek a review to revoke the premises licence permanently.
3. The statement of Steve Elsmore on behalf of the Police, including:
- a. The police supported the review and agreed with what was sought by the Licensing Authority.
4. The statement of Graham Hopkins (GT Licensing Consultants) on behalf of Mr Qadeer, the premises licence holder, including:
- a. Mr and Mrs Qadeer accepted the facts as presented by Ellie Green on behalf of the licensing authority.
  - b. Mr and Mrs Qadeer had asked Mr Hopkins to apologise on their behalf, to Members and to the officers concerned for both having stocked and sold duty evaded goods and for breaches of their licence.
  - c. Mr and Mrs Qadeer appreciated fully the seriousness of the position and wanted to assure Members of their genuine remorse and that this breach was a one off.
  - d. He had spoken to Mr and Mrs Qadeer, who was the Designated Premises Supervisor about the non-duty paid goods. Mr Qadeer had bought the non-duty paid goods from an eastern European gentleman in a white van. The eastern European man had entered the premises and offered Mr Qadeer the alcohol and tobacco goods and he bought them. Mr Qadeer was adamant that this was the one and only time he had done this and would not do it again.
  - e. Further to that, a sign had been put up at the premises stating that the premises did not buy any goods from cold callers. Mr Qadeer was also advised that if it was safe for him to do so, to provide the eastern European gentleman's vehicle registration

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number to the Police and Trading Standards. Graham Hopkins further advised that it was not only shop keepers that needed to be caught but also the suppliers of duty evaded goods.

- f. Mr Qadeer would only be buying from reputable cash & carry establishments and would keep all the invoices as required for excisable goods.
- g. Mr and Mrs Qadeer had owned the shop since 2012 and it was their sole livelihood. He wanted to make it clear that the premises are only an off licence and not a convenience store and only relied on the sale of tobacco and alcohol for their livelihood.
- h. No duty evaded goods had been found at the premises before and nothing had been found since.
- i. Mr and Mrs Qadeer accepted all the additional conditions as proposed by the Licensing Authority. They accept that they are appropriate, proportionate and necessary. The additional conditions will give Mr Hopkins' clients clear guidance and what's expected of them as regards a premises licence.
- j. Mr Qadeer would be receiving training, further guidance and quarterly visits by Mr Hopkins so that compliance checks could be made and tested against the licence conditions. The Premises Licence Holder would be on site at all times along with 2 employees. CCTV would prove that there would always be 3 people on site. Mr and Mrs Qadeer have agreed to sign a contract for this.
- k. Mention had been made in the report regarding possible allegations of under-age sales. There had never been a failed test purchase at the premises. Mr Qadeer strongly denied selling to under age customers. He was fully aware of the requirements of under age sales. This subject would be covered in the training to be provided by Mr Hopkins, who will also be providing all staff training logs for the next year. The premises did have a refusals book, but further guidance would be provided to Mr and Mrs Qadeer in the training.
- l. With regard to the 3 month suspension of Mr Qadeer's licence until condition compliant; most of the additional conditions would be in place over the next 2 weeks, including training, and this would be communicated to the Licensing Authority for compliance testing.
- m. Mr Hopkins requested if the committee could impose the shortest suspension possible as this was their sole livelihood including 3 children below school age. They are willing to fully comply and had employed Graham Hopkins to help with that.
- n. The Chair referred to Mr Hopkins comment that this was a one off purchase of non-duty paid tobacco and alcohol and when the European man in a white van had actually visited the premises to sell further goods. Ellie Green (Principal Licensing Officer)

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clarified that this visit was on the same day as the seizure by the Licensing Team.

5. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
  - a. In light of what has been said, the Sub-Committee may be minded to modify the conditions and any further conditions in addition to Annex 5 (of the report), exclude any licensing activities, remove the DPS or suspend the licence for a period not exceeding 3 months or to revoke the license.
  - b. In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

### **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:

“After listening to all the evidence given and with the Licensing Authority’s objection on prevention of Crime and Disorder in mind:

The panel has agreed that conditions as agreed with Mr Qadeer apply. We also agreed that we suspend the licence for a period not exceeding 3 months. We believe that this is proportionate and appropriate given the seriousness of the actions at the licensed premises’.

3. The Licensing Sub-Committee resolved to modify the conditions of the licence and to suspend the licence for a period not exceeding three months.

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## **MINUTES OF PREVIOUS MEETING**

**LICENSING SUB-COMMITTEE - 10.8.2016**

RECEIVED the minutes of the meeting of Licensing Sub Committee held on Wednesday 6 July 2016.

**AGREED** that the minutes of the meeting of Licensing Sub Committee held on Wednesday 6 July 2016 be confirmed and signed as a correct record.