

**MUNICIPAL YEAR 2013/14 REPORT NO.**

**COMMITTEE :**  
Licensing Sub-Committee  
6 November 2013

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<p><b>SUBJECT :</b> Application to review a premises licence</p> <p><b>PREMISES :</b> Montague Supermarket 171-173 Montagu Road, Edmonton N18</p> <p><b>WARD :</b> Lower Edmonton</p>	

**1      LICENSING HISTORY & CURRENT POSITION :**

**171 Montagu Road (LN/200501036)**

- 1.1      On 9 August 2005 an application by Mr Suresh Patel to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.
- 1.2      On 10 December 2008 Mr Suresh Patel surrendered the Premises Licence.

**171-173 Montagu Road (LN/200700571)**

- 1.3      On 22 January 2008 an application by Mr Bulent Danisan for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4      On 4 December 2008 an application by Mr Bulent Danisan for variation of the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.5      On 30 September 2009 an application by Mr Emrah Ozdil for transfer of the Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.
- 1.6      On 19 April 2012 Mr Emrah Ozdil surrendered the Premises Licence.

## **171-173 Montagu Road (LN/201200258)**

- 1.7 On 15 June 2012 an application by **Mr Yilmaz Celik** for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.8 The current Premises Licence permits :
- 1.8.1 **Hours the premises are open to the public** : Sunday to Saturday from 00:00 to 00:00 (i.e. 24 hours a day, 7 days a week).
- 1.8.2 **Supply of alcohol (off supplies only)** : Sunday to Saturday from 00:00 to 00:00 (i.e. 24 hours a day, 7 days a week).
- 1.9 A copy of a location map of the premises is attached as Annex 01.
- 1.10 A copy of the current Premises Licence is attached as Annex 02.

## **2 THIS APPLICATION :**

- 2.1 On 16 August 2013 application was made by the Licensing Authority for a review of the Premises Licence.
- 2.2 The review is made on the grounds of the prevention of crime & disorder and the protection of children from harm licensing objectives. The authority considers that it is appropriate, for the promotion of the licensing objectives, to modify the conditions of the licence and to suspend the licence for a period of three months.
- 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 03.

## **3 RELEVANT REPRESENTATIONS :**

- 3.1 **Metropolitan Police** : Representation is made, in support of the application, on the grounds of the prevention of crime & disorder and the protection of children from harm licensing objectives.
- 3.1.1 A copy of the representation is attached as Annex 04.

#### 4 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 4.1 The paragraphs below are extracted from either :
  - 4.1.1 the Licensing Act 2003 ('Act'); or
  - 4.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2012 ('Guid'); or
  - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

#### **General Principles :**

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are :
  - 4.3.1 the prevention of crime and disorder;
  - 4.3.2 public safety;
  - 4.3.3 the prevention of public nuisance; &
  - 4.3.4 the protection of children from harm [Act s.4(2)].
- 4.4 In carrying out its functions, the Sub-Committee must also have regard to :
  - 4.4.1 the Council's licensing policy statement; &
  - 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

#### **Review :**

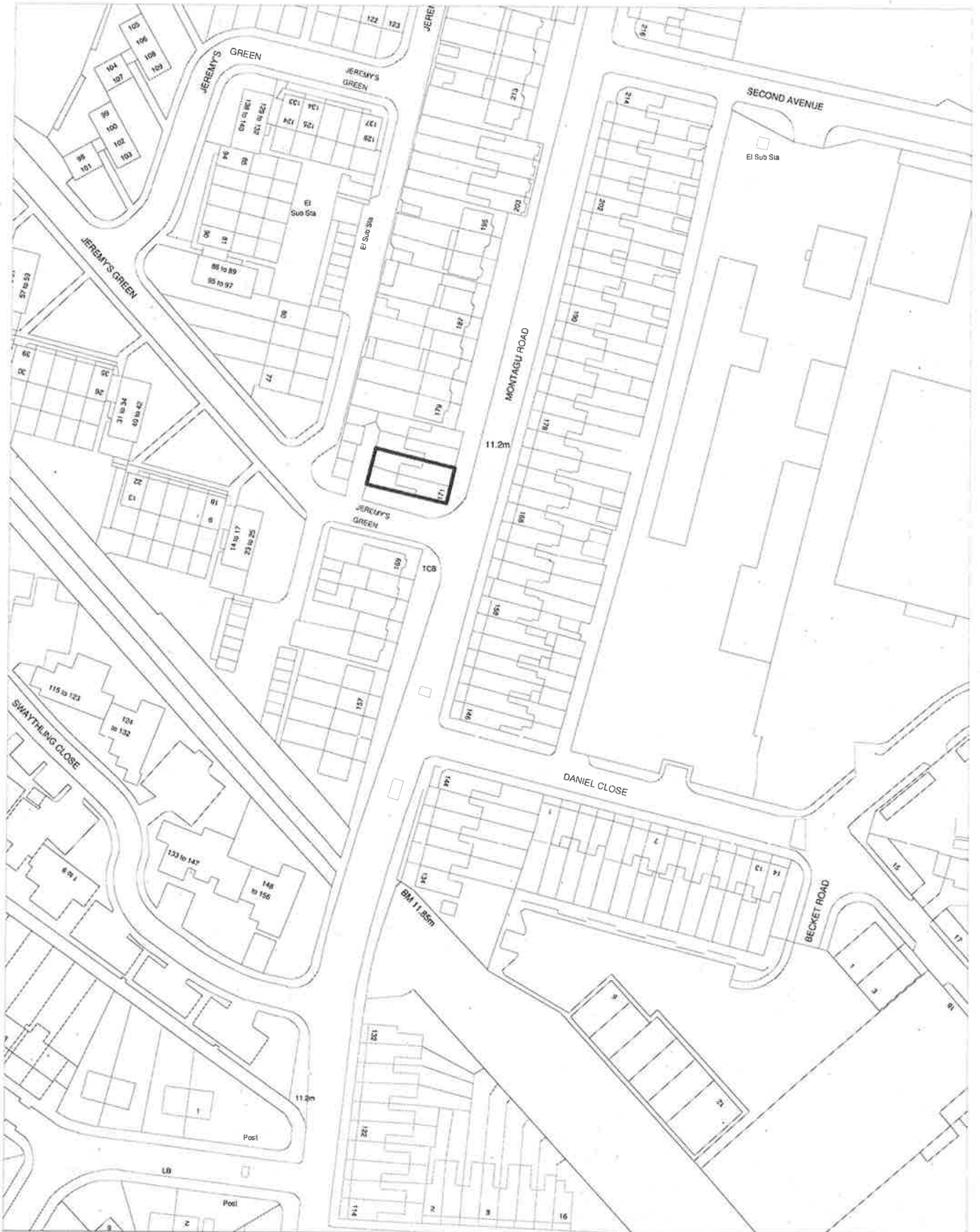
- 4.5 In reviewing a licence the Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

#### **Decision :**

- 4.6 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 :
  - 4.6.1 to modify the conditions of the licence;
  - 4.6.2 to exclude a licensable activity from the scope of the licence;
  - 4.6.3 to remove the designated premises supervisor
  - 4.6.4 to suspend the licence for a period not exceeding three months;
  - 4.6.5 to revoke the licence [Act s.52].
- 4.7 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 generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

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

**Contact Officer :**  
**Mark Galvayne on 020 8379 4743**



Montague Supermarket, 171 - 173, Montagu Road, Edmonton, N18 2NA.

LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET  
ENFIELD, EN1 3XE  
TEL: 020 8379 1000



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Scale: 1:1250  
Dwg.No. 6500CT  
Date: 09/10/2012

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201200258

**Part 1 – Premises Details**

Postal address of premises :

Premises name : Montague Supermarket

Telephone number : Not provided

Address : 171 - 173 Montagu Road Edmonton N18 2NA

Where the licence is time-limited, the dates : Not time limited

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

(1) **Open to the Public - Whole Premises**

Sunday :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

(2) **Supply of Alcohol - Off Supplies**

Sunday :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

**Part 2**

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

<b>Name :</b>	Mr Yilmaz Celik
<b>Telephone number :</b>	07860 529127
<b>e-mail :</b>	Not provided
<b>Address :</b>	3 Clissold House, Lordship Road, London, N16 0PS

**Registered number of holder (where applicable) :**

Not applicable

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

<b>Name :</b>	Not applicable
<b>Telephone number :</b>	
<b>Address :</b>	

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

<b>Name :</b>	Mr Yilmaz Celik
<b>Telephone number :</b>	Not provided
<b>e-mail :</b>	Not provided
<b>Address :</b>	3 Clissold House, Lordship Road, London, N16 0PS

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

<b>Personal Licence Number :</b>	LBH-PER-N-1672
<b>Issuing Authority :</b>	London Borough of Hackney

Premises Licence LN/201200258 was first granted on 15 June 2012.

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

Date : 21st October 2013



## **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**

- 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. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request.**
- 5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 6. 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 - colour during opening times; (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 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.**
- 7. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These**

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

8. If the premises remain open after 01:00, a Raid Control system must be installed and procedures carried out: (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training carried out and signed and dated by those receiving it; (5) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

9. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

10. All training relating to the sale of alcohol and times and conditions of the 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.

11. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

12. 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.

13. A written 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 from the date of the last entry.

14. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.

15. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.

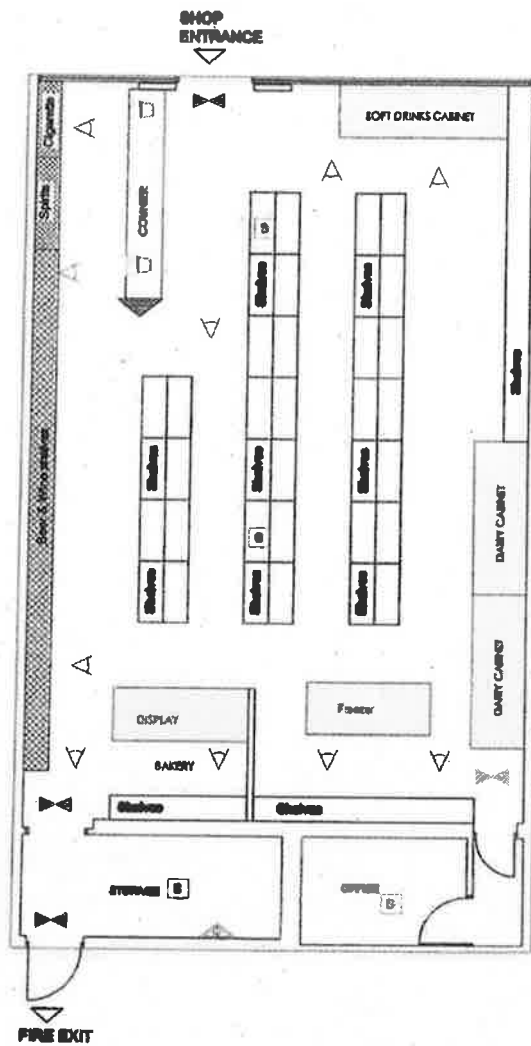
16. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.

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

**Not applicable**



# Annex 4 – Plans



**GROUND FLOOR PLAN**

## LEGEND

- FRIDGES
- OFF LICENCE SHELVES
- AMBIT OF LICENCED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- CCTV

**CELIK S  
MARKET LTD.** 171-173  
MONTAGUE ROAD  
LONDON  
N18 2NA

**PROPOSED  
GROUND FLOOR PLAN**

SCALE : 1/100@A4      DATE : 08/05/12

REF. NO : E080512

**Application for the review of a premises licence or club premises certificate 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 **Ellie Green, Principal Trading Standards Officer - Licensing Enforcement**

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

**Montague Supermarket**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
171 - 173, Montagu Road	
<b>Post town</b> Edmonton	<b>Post code (if known)</b> N18 2NA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Celik Yilmaz, 3 Clissold House, Lordship Road, London, N16 0PS. (Since 15/6/12)

<b>Number of premises licence or club premises certificate (if known)</b>
LN/2010200258

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Ellie Green Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 8543
E-mail address: ellie.green@enfield.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review:** (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises has been found to be selling alcohol to children under 18. The premises also has a history of non compliance with the conditions of the premises licence.

This review is primarily based on the protection of children from harm licensing objective. The review application is to remove the DPS, reduce the licensable hours and suspend the premises licence for up to three months.

**Background Information:**

The premises licence was converted in 2005, where alcohol could be sold until 11pm. A transfer application was granted on 15/6/2012 and Mr Yilmaz Celik, 3 Clissold House, Lordship Road, London, N16 0PS was named as Premises Licence Holder (PLH). Mr Sinan Akyol, 3 Inverness Road, LONDON, N18 2EE was also named as the Designated Premises Supervisor (DPS) from this date.

The premises licence permits it to be open and sell alcohol (off supply) 24 hours a day.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

**History of Premises (since 15/6/2012)**

**26/10/12** - Material sent to premises in order to support the licence conditions, including: Training Record Book, Refusals Book, Age Restricted Sales Poster x2, Age Restricted Sales Sticker x2, Leave Quietly Poster x2, Drinking Control Zone Poster x2, No Alcohol Outside Poster x2, Under 14s' Not Allowed On Premises After 9pm Poster x2.

**3/11/12** – Licensing Out of Hours Officers carried out a routine inspection, where they met with assistant, Ibrahim Uzun. It was noted that neither the PLH nor DPS were on site at the time of this visit. All conditions were checked and the following were found to be non-compliant:

C4 No incident book

C7 No drinking control zone sign. Poster provided

C9 & 10 No training carried out or documented

C13 No refusals book available.

C15 No receipts for purchases available to view

C16 No UV light

An inspection report was completed, and 14 days were given for compliance.

**1/12/12** – Licensing Out of Hours Officers carried out a revisit inspection, and met with Mr Mali Karakurt, the PLH's uncle. All of the same conditions were still found to be non-compliant. Officers gave 14 days to comply, and an inspection report was issued.

**5/12/12** – Licensing Enforcement Officer (CPX) called the PLH to check that he is aware of the outstanding issues. He stated that he has everything except the UV light and that they were in the back of the premises but his uncle did not realise. He will make sure they are available next time. Asked for advice on where to get the UV light from, which was given.

**15/12/12** – Licensing Enforcement Out of Hours Officers carried out a revisit, and they met Mr Yilmaz Celik (Director of Celik Supermarket Ltd and the PLH), who arrived after 15 minutes after the start of the inspection. The following conditions were still in non-compliance:

C.4 - Incident book not being kept on the premises, advice given to ensure this remains on the premises at all times;

C.9 - Training not up to date. PLH stated he had several training books, two had been filled in. The one on site that had been filled in was apparently under the previous owner. The PLH brought the current one with him as he had it at home. Officers advised that he must keep it on site and take a copy if he needs it at home. The last training entry was July 2012, therefore two months overdue now (refresher training required every 3 months). The PLH stated this would be completed by Monday 17th December.

C.13 - Refusals book not being used. Again, when the PLH turned up he brought a more recent copy. Officers advised that this must not be removed from site as staff cannot use it when it's at the PLH's home. Officers explained what the purpose of the book was in detail.

C.15 - Only one receipt produced on site. Officers advised that the PLH must bring these to the civic centre within 5 days (By 20<sup>th</sup> December).

C.16 - UV light that the PLH had was not in fact a UV light. Officers tested it out on customs stamps and the stickers did not fluoresce. Officers checked a number of stickers and bank notes, with no success. Officers advised the PLH to get a proper one. The PLH was advised that he may be invited in for PACE interview given the continuing non-compliances. An inspection report was issued, giving 7 days for compliance.

**29/12/12** – Licensing Out of Hours Officers carried out a revisit to check C4, 13, 16, 9, 15, and met with Mr Mali Karakurt again. All conditions were finally found to be compliant, although advice was given for the PLH to search for a better UV light as the current one did not appear to be very effective. An inspection report was still issued.

**26/4/13** - Mr Mehmet Ali Karakurt, assistant, sold alcohol to an underage Trading Standards volunteer. Mr Karakurt had worked at the premise for 8 months and received refresher training on the 10.03.13. A notice of alleged offence was issued.

**29/4/13** - Trading Standards sent a warning letter to the premises to advise of the details of the sale, and information was included how to prevent further sales.

**10/05/13** – As a result of the underage sale, a Licensing Enforcement Officer (CPX) carried out a full licence inspection, and met with "Ibrahim", assistant. The following conditions were found to be non compliant:

C4 - Staff did not know where the incident book was so officer was unable to check it.

C6 (12) CCTV footage did not go back 31 days, (5) CCTV time incorrect.

C10 Training records not available,

C13 Refusals book not available.

An inspection report with advice was issued and 14 days was given to address the issues.

**10/6/13** – Licensing Enforcement Officer (CPX) carried out the revisit.

C6 - Unable to check date, time correct on CCTV and how long footage is stored for as only one member of staff on premises and it is controlled via equipment at the back of the premises.

All other conditions were complied with.

**25/7/13** – A female Trading Standards volunteer, aged 17 entered the premises and purchased a 275ml bottle of WKD Iron Brew for £1.49 from Yelda Celik of 3 Clissold House, Lordship Road, N16 0PS, DOB 02.09.93. The seller explained that she was the sister of the owner/premises licence holder. A notice of alleged offence was issued. Trading Standards later sent a warning letter to the premises to advise of the details of the sale, and information was included how to prevent further sales.

**5/8/13** – Licensing Enforcement Officer (CPX) carried out a full licence inspection following the recent failed test purchase, and met with Mr Yilmaz Celik, the PLH. All conditions were checked and the following were found to be non compliant:

C9&10 - All staff must be trained and training documented. The seller, Miss Yelda Celik, did not appear in the training book at all. The PLH said that Yelda started working at the premises on 23/07/13. The officer advised him that Yelda should have been trained before she was allowed to sell alcohol and that she should have been supervised until they were confident that she had received enough training. The officer also advised that given the sale she made, she obviously needed training so it should have been carried out by now.

C6 - Unable to check 31 days of footage due to recent power cut.

C8 - Premises currently closes at midnight.

An inspection report was completed and given 7 days to comply.

**14/8/13** – Licensing Enforcement Officer (CPX) carried out a revisit between 10:30 - 10:45, Revisit to check the outstanding conditions relating to training records and CCTV. The PLH was not on the premises. Two staff seen on premises, one male stocking shelves and one female at the counter – Yelda (it was noted that her English was very good). Neither of the staff could find the training book (c.10). The officer agreed to revisit in the afternoon when the PLH was there.

**14/8/13** – Licensing Enforcement (EVG) attempted to contact the DPS on the numbers provided on the licence. The landline was no longer connected, and the mobile was answered by someone else, who confirmed he was not Mr Akyol, that he had never worked at Montague Supermarket (although he was aware of the premises), and that he was currently retired. This information was fed back to CPX carrying out her revisits that day.

**14/8/13** - At 16.30, the same officer revisited the premises again. The PLH was now on site. C.9&10 - Training book seen, one new entry - Yelda Celik - 06/08/13, training carried out by the PLH. The PLH confirmed that she is employed as till staff but said that she is only helping out there for a few weeks and that next week is her last week.

C.6 - The officer asked to see CCTV but the PLH advised that a new hard drive had been installed at a cost of £120. He said that the new system stores images for 40 days. The officer requested that the receipt be sent to her as although the work had apparently just been done that afternoon the invoice was not available. The officer asked when the DPS was last on the premises and the PLH said that day. The officer told the PLH that her colleague had attempted to get in touch with the DPS, but without success. The PLH offered to phone the DPS as he had a different number for him. He made a phone call and spoke to someone in Turkish for a minute or so before handing the phone to the officer. The officer confirmed with the DPS his number as being 07405571289, and his address: the full address shown on the licence was given. When asked the hours he worked that day he said 09:00 - 16:10. However he had not been seen by the officer that morning. He said that he would be back at the premises in a few hours time. After the phone call, the officer asked the PLH to show her the CCTV for earlier that day to show that the DPS had been there but he said that the new system had been installed since the DPS left. Given that he had apparently only left 20 minutes before the officer arrived and there was no sign of any CCTV work being carried out during the morning or afternoon visit, this seemed unlikely. The officer advised the PLH that the visits were taking place following the underage sale of alcohol and that that the licence would probably be reviewed because of the sale. The PLH stated he was aware of this. He went on to confirm that the premises currently closes at midnight. An inspection report was completed, with notification of a further revisit, and this was signed by both the officer and PLH, and a copy was issued to the PLH. The officer left the premises at 16:50.

**Planning Information:**

TP/07/0792/VAR4 states that the hours of opening of the (A1) Unit shall be between the hours of 7.30 am to 11.00pm only Mondays to Sunday unless agreed otherwise in writing by the Local Planning Authority (LPA).

NB. No further times have been agreed with the LPA.

**Conclusion:**

The premises has a history of non compliance with licence conditions, which are eventually brought into compliance through officer advice and revisits. This is disappointing because when the licence was transferred in 2012 to the current PLH and DPS, all the appropriate material required to help support the licence conditions and licensing objectives were sent to the premises, so there was no excuse not to use this material.

More worryingly is the fact that there have been two underage sales by two different members of staff within a period of only 3 months. The first seller appeared to have been trained, including refresher training. The second sale took place by a second member of staff who had only just started work at the premises. This seller had not only received no training, she was left under her own supervision to work. This is not acceptable: it was very irresponsible of the PLH and DPS to permit this, even if the female was a relative. Perhaps the sale took place due to the lack of training. This sale also highlighted breaches of the premises licence, namely conditions 9 and 10 relating to training of staff.

Despite this sale, the seller, Miss Celik, continued to work at the premises, but was still not given any training until after the inspection carried out by licensing enforcement.

This demonstrates that the PLH and DPS did not take the matter of an underage sale seriously.

Furthermore, it is apparent throughout all of the officer visits to the premises, that the DPS has never been present. A telephone conversation with an officer on 14/8/13 revealed that he normally works in the daytime, yet in the 7 daytime visits detailed above, the DPS was not present, not even once. It is the role of the DPS to control the sale of alcohol, and guidance suggests that it is the DPS that provides staff training in relation to alcohol. Any training appears to have been carried out by the PLH instead.

It is therefore proposed to remove the DPS, Mr Akyol, and replace him with someone who has greater presence and takes greater responsibility at the premises, particularly in regards to the sale of alcohol. We have very little confidence in the effectiveness of the current DPS.

Staff have admitted during the licensing enforcement visits that the premises is open until midnight, which demonstrates breaches of planning legislation have also been committed. In light of this information and to bring the hours in line with planning permission, I therefore propose that the hours on the premises licence are reduced as follows:

Activity	Current Hours	Recommended Hours
Opening	24 hours	Mon – Sun - 07:30 – 23:00
Alcohol (off sales)	24 hours	Mon – Sun - 07:30 – 23:00

**Current Conditions:**

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. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request.

**Amend to:**

An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.

5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

6. 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 - colour during opening times; (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 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.

7. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

8. If the premises remain open after 01:00, a Raid Control system must be installed and procedures carried out: (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training carried out and signed and dated by those receiving it; (5) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

**Remove if opening/alcohol times reduced to 07:30 to 23:00.**

9. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

10. All training relating to the sale of alcohol and times and conditions of the 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.

11. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

12. 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.\*

13. A written 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 from the date of the last entry.

14. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.



15. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.

16. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.

**Additional Conditions To Be Added To The Licence**

- A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

**End of conditions**

\*LBE currently promote the "Think 25" Policy.

<b>Suspension of Licence:</b>	<b>Y</b>
<b>Revocation of Licence:</b>	<b>N</b>
<b>Recommended period of suspension (max 3 months):</b> Up to 3 months, or until a new DPS has been approved and LBE are satisfied that all the conditions are in compliance.	
<b>Reasons for Suspension</b>	
Two separate underage sales of alcohol took place within a short period, despite intervention and advice from Trading Standards and Licensing Enforcement to prevent further sales and breaches of licence conditions. It is appropriate and necessary to suspend the licence to give the premises licence holder the time to ensure all conditions are in place; particularly that training of all staff has been completed. Additionally, it may take some time to replace the DPS with a person with the appropriate qualifications. There is little confidence in the management of the premises, given the two underage sales, and the breaches of both licence conditions and planning hours.	

**Please tick yes**

Have you made an application for review relating to this premises before  No

If yes please state the date of that application

Day Month Year

n/a

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible

authorities and the premises licence holder or club holding the club premises certificate, as appropriate

- 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



**Signature**

**Date** 16<sup>h</sup> August 2013

**Capacity** **Principal Trading Standards Officer - Licensing Enforcement**

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**METROPOLITAN  
POLICE****Working together for a safer London****POLICE REPRESENTATION**

**Name and address of premises:** Montague Supermarket,  
171 - 173 Montagu Road,  
Edmonton,  
N18 2NA.

**Type of Application:** Review

**Worksheet number:** WK/213042814

**The Application**

Enfield Borough Police Licensing Team and Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises has been found to be selling alcohol to children under 18. The premises also has a history of non-compliance with the conditions of the premises licence.

This review is primarily based on the protection of children from harm licensing objective. The review application is to remove the DPS, reduce the licensable hours and suspend the premises licence for up to three months.

The premises licence was converted in 2005, where alcohol could be sold until 11pm. A transfer application was granted on 15/6/2012 and Mr Yilmaz Celik, 3 Clissold House, Lordship Road, London, N16 0PS was named as Premises Licence Holder (PLH). Mr Sinan Akyol, 3 Inverness Road, LONDON, N18 2EE was also named as the Designated Premises Supervisor (DPS) from this date.

The premises licence permits it to be open and sell alcohol (off supply) 24 hours a day.

**In summary I wish to make representation on the following:**

- The prevention of Crime and Disorder
- The protection of children from harm

The premises has a history of non-compliance with licence conditions, which are eventually brought into compliance through officer advice and revisits. The licence was transferred in 2012 to the current PLH and DPS, all the appropriate material required to help support the licence conditions and licensing objectives were sent to the premises, so there was no excuse not to use this material.

The fact that there have been two underage sales by two different members of staff within a period of only 3 months. The first seller appeared to have been trained, including refresher training. The second sale took place by a second member of staff

who had only just started work at the premises. This seller had not only received no training, but she was left under her own supervision to work. This is not acceptable: it was very irresponsible of the PLH and DPS to permit this, even if the female was a relative. Perhaps the sale took place due to the lack of training. This sale also highlighted breaches of the premises licence, namely conditions 9 and 10 relating to training of staff.

Despite this sale, the seller, Miss Celik, continued to work at the premises, but was still not given any training until after the inspection carried out by licensing enforcement.

This demonstrates that the PLH and DPS did not take the matter of an underage sale seriously.

Furthermore, it is apparent throughout all of the officer visits to the premises, that the DPS has never been present. A telephone conversation with an officer on 14/8/13 revealed that he normally works in the daytime, yet in the 7 daytime visits detailed above, the DPS was not present, not even once. It is the role of the DPS to control the sale of alcohol, and guidance suggests that it is the DPS that provides staff training in relation to alcohol. Any training appears to have been carried out by the PLH instead.

It is therefore proposed to remove the DPS, Mr Akyol, and replace him with someone who has greater presence and takes greater responsibility at the premises, particularly in regards to the sale of alcohol. We have very little confidence in the effectiveness of the current DPS.

In light of this information and to bring the hours in line with planning permission, I therefore also propose that the hours on the premises licence are reduced as follows:

<b>Activity</b>	<b>Current Hours</b>	<b>Recommended Hours</b>
Opening	24 hours	Mon – Sun - 07:30 – 23:00
Alcohol (off sales)	24 hours	Mon – Sun - 07:30 – 23:00

Officer: Roger Wilson Pc 366YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 9<sup>th</sup> September 2013