

MUNICIPAL YEAR 2014/15 REPORT NO.

**COMMITTEE :**  
Licensing Sub-Committee  
21 January 2015

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT :</b> Application to review a premises licence	
<b>PREMISES :</b> Ordnance Supermarket 115 Ordnance Road, Enfield EN3	
<b>WARD :</b> Enfield Lock	

1 **LICENSING HISTORY & CURRENT POSITION :**

- 1.1 On 23 July 2005 an application by **Mr Baris Salman & Mr Ibrahim Korkmaz** to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 On 25 October 2011 an application by **Mr Baris Salman & Mr Ibrahim Korkmaz** for a minor variation of the Premises Licence (so as to annex additional conditions to the licence), which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 The current Premises Licence permits :
  - 1.3.1 **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).
  - 1.3.2 **Supply of alcohol (off supplies only)** : Sunday from 10:00 to 22:30, on Monday to Saturday from 08:00 to 23:00, on Good Friday from 08:00 to 22:30 and on Christmas Day from 12:00 to 15:00 & from 19:00 to 22:30.
- 1.4 Since 23 July 2005 the Designated Premises Supervisor specified on the Premises Licence has been **Mr Baris Salman**.
- 1.5 A copy of a location map of the premises is attached as Annex 01.
- 1.6 A copy of the current Premises Licence is attached as Annex 02.

## 2 **THIS APPLICATION :**

- 2.1 On 24 October 2014 application was made by the **Licensing Authority** for the review of the Premises Licence.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective. The minor variation application (granted on 25 October 2011 – see section 1.2, above) arose because counterfeit alcohol was found on the premises previously. On 15 October 2014 counterfeit alcohol was again found on the premises, along with non-duty paid alcohol.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
- 2.4 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the application is attached as Annex 03.

## 3 **RELEVANT REPRESENTATIONS :**

- 3.1 **Metropolitan Police** : Representation is made, on the grounds of the prevention of crime and disorder, in support of the review application. The authority agrees that it is appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
  - 3.1.1 A copy of the representation is attached as Annex 04.
- 3.2 **Other Persons** : Representations have been made, against the review application, by persons residing at 5 separate addresses. The grounds of the representations include the prevention of crime and disorder.
  - 3.2.1 Copies of the representations are attached as Annex 05.

## 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 2014 ('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 Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 4.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 4.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 4.8 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].

**Decision :**

- 4.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 4.9.1 to modify the conditions of the licence;
  - 4.9.2 to exclude a licensable activity from the scope of the licence;
  - 4.9.3 to remove the designated premises supervisor
  - 4.9.4 to suspend the licence for a period not exceeding three months;
  - 4.9.5 to revoke the licence [Act s.52].
- 4.10 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**



Ordnance Supermarket, 115 Ordance Road, ENFIELD, EN3 6AF





Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/200500760

**Part 1 – Premises Details**

Postal address of premises :

Premises name : Ordnance Supermarket

Telephone number : 019 9265 2716

Address : 115 Ordnance Road Enfield EN3 6AF

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 :	10:00 - 22:30
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 23:00
Saturday :	08:00 - 23:00
Good Friday :	08:00 - 22:30
Christmas Day :	12:00 - 15:00 & 19:00 - 22:30

**Part 2**

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

Name : Mr Baris Salman

Telephone number : 01992 652716

e-mail : barissalmon@hotmail.co.uk

Address : 41A Ordnance Road, Enfield, EN3 6UT

Registered number of holder (where applicable) :

Not applicable

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

Name : Mr Ibrahim Korkmaz

Telephone number : 01992 652716

Address : 41A Ordnance Road, Enfield, , , , EN3 6UT,

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

Name : Mr Baris Salman

Telephone number : 07960 807582

e-mail : Not provided

Address : 41A Ordnance Road, Enfield, EN3 6UT

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

Personal Licence Number : LN/200500712

Issuing Authority : London Borough of Enfield

Premises Licence LN/200500760 was first granted on 23 July 2005.

Signed :  .....

Date : 25th October 2011

for and on behalf of the  
London Borough of Enfield

Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH

Telephone : 020 8379 3578



## **Annex 1 - Mandatory Conditions**

- 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. Alcohol shall not be sold in an open container or be consumed in the licensed premises.**
- 5. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.**
- 6. 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.**
- 7. 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.**
- 8. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.**
- 9. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.**
- 10. 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 this premises licence.**
- 11. 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.**
- 12. The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall 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.**

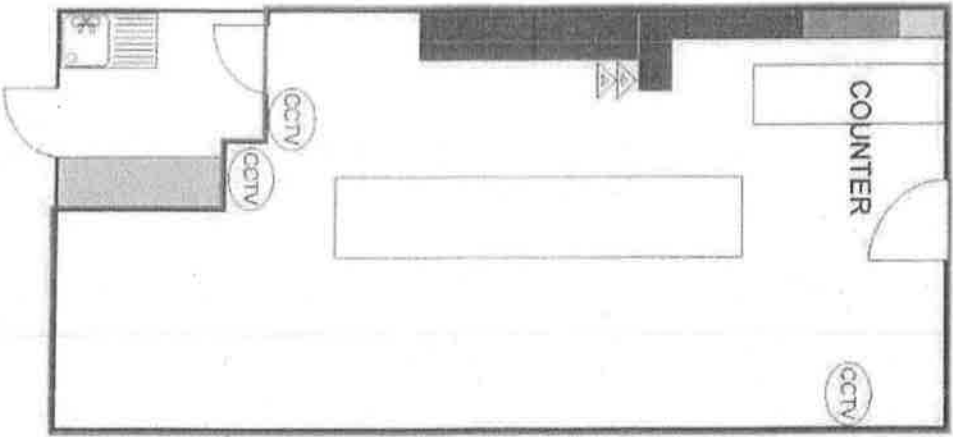
**14. Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.**

**15. 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.**

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

**Not applicable**

**Annex 4 – Plans**









**GROUND FLOOR SHOP PREMI**

**LIQUOR LICENCE APPLICATIO**

**Scale 1:100**

**Date: May 2005**

**Legend**

-  **Beers & Wines**
-  **Spirits**
-  **Cigarettes**
-  **Alcohol Storage**
-  **Alcohol Sales**
-  **Fire Extinguisher**

**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 **Charlotte Palmer Licensing Enforcement Officer**

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Ordnance Supermarket, 115 Ordnance Road	
<b>Post town</b>	<b>Post code (if known)</b>
Enfield	EN3 6AF
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Mr Baris Salman	
<b>Number of premises licence or club premises certificate (if known)</b>	
LN/200500760	

**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  Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@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 have been found to be selling non duty paid and counterfeit alcohol.

The premises have previously been given the opportunity to submit a minor variation to strengthen the licence conditions as a result of counterfeit alcohol being found at the premises.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to revoke the premises licence in its entirety.**

**Background Information:**

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

**Complaint and Visit History of Premises**

The licence for this premises was converted to a premises licence in 2005 and a minor variation to strength the conditions was granted in October 2011 following the discovery of counterfeit alcohol.

**13<sup>th</sup> March 2012** – Full licence inspection. Condition 8 Ultra violet light not yet purchased.

**15<sup>th</sup> October 2014** – The premises was visited as part of a joint HMRC and Trading Standards Operation to check for any counterfeit / none duty paid alcohol or tobacco. 15.75 litres of wine (21 bottles) and 27.3 litres of spirit (39 bottles) were seized by HMRC. The wine was for a sale at a price that was almost cheaper than the tax that

should have been paid on it. Duty for all the products would have equated to £351.21. Trading Standards also seized 3 bottles of counterfeit vodka. A full licence inspection was not carried out but the officers did note that Part B of the Premises Licence was not on display and that the premises was selling drugs paraphilia in the form of grinders and small plastic bags. Although these are not illegal they could attract drug users / dealers to the premises.

**Additional Information:**

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Conclusion:**

A significant amount of duty diverted alcohol has been seized from the premises along with counterfeit alcohol. The premises has a history of selling counterfeit alcohol and has already been given the opportunity to submit a minor variation to strengthen the licence conditions.

**The Licensing Authority therefore recommends that this licence be revoked.**

**If the Licensing Committee does not deem it necessary to revoke the licence in its entirety I would recommend the DPS be removed from the licence and the licence be suspended for or 3 months.**

The Licensing Authority reserve the right to add any additional information to support this review application.

<b>Suspension of Licence:</b>	<b>N</b>
<b>Revocation of Licence:</b>	<b>Y</b>
<b>Recommended period of suspension (max 3 months):</b>	
<b>The conditions attached to the premises licence already include all of the conditions that the Licensing Authority would seek for an off licence premises.</b>	
<b>Having regard to all this information, and taking into account the DCMS guidance, this leaves little option other than for the Licensing Authority to seek total revocation of the premises licence.</b>	
<b>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.</b>	

**Please tick yes**

Have you made an application for review relating to this premises before Yes

If yes please state the date of that application

Day Month Year

n/a

**If you have made representations before relating to these 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:** 24<sup>th</sup> October 2014

**Capacity:** Licensing Enforcement Officer

<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>	

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

**Name and address of premises:** **Ordnance Supermarket**  
**115 Ordnance Road**  
**Enfield**  
**EN3 6AF**

**Type of Application:** **Review application**

**Worksheet number:** **WK/214059970**

**Premises licence number:** **LN/200500760**

**The Application**

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling non duty paid alcohol.

**Location**

This venue is situated in a mixed residential and retail street.

**History**

I have researched Police crime and intelligence systems with the following intelligence reports being of some relevance;

Police intelligence report number - YERT 00376413 - Date Created 01/08/2014. Date Updated 26/08/2014 – **Ordnance Supermarket** is involved in selling illegal cigarettes and tobacco.

They sell brands such as MAYFAIR, MARLBORO and GOLDEN VIRGINIA at cheap prices such as £5 a packet.

Police intelligence report number - YERT00376076 – Date created 22/07/2014. Date updated 19/09/2014 - There are a number of shops on Ordnance Road EN3 which are involved in the sale of fake cigarettes and tobacco including **Ordnance Supermarket**.

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

- Prevention of crime & disorder

The Metropolitan Police wish to support this application on the grounds that on 15<sup>th</sup> October 2014, the premises was visited as part of a joint HMRC and Trading Standards Operation to check for any counterfeit / none duty paid alcohol or tobacco. 15.75 litres of wine (21 bottles) and 27.3 litres of spirit (39 bottles) were seized by HMRC. The wine was for a sale at a price that was almost cheaper than the tax that should have been paid on it. Duty for all the products would have equated to £351.21. Trading Standards also seized 3 bottles of counterfeit vodka.

**Guidance:**

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Conclusion:**

A significant amount of duty diverted alcohol was seized from the premises.

The Metropolitan Police support the London Borough of Enfield Licensing Authority review application in recommending that this premises licence be revoked.

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.

Having regard to all this information, and taking into account DCMS guidance, this leaves no other alternative other than for the Metropolitan Police to seek total revocation of this premises licence.

However, if the Licensing Committee does not deem it necessary to revoke the licence in its entirety, it is recommended the DPS be removed from the licence and that the licence be suspended for a minimum of 3 months.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 4<sup>th</sup> November 2014



AMN405

1P01

Received by email @ 16:16 on 21/11/14

To whom it may concern,

**Re: Ordnance Super Market, 115 Ordnance Road, Enfield  
EN3 6AF**

I write to give my full support to the staff of Ordnance Supermarket. I am local to the area and use the supermarket on a regular basis. I have come to realise that they are very supportive and caring towards their customers at all times.

They are friendly and very attentive to every clients needs. I do not believe they are capable of doing wrong or giving harm to their environment or members of the public for that matter.

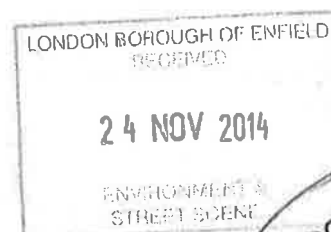
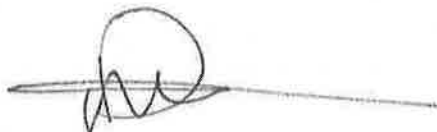
I have never seen them sell alcohol or cigarettes to underage children, be in anyway rude, threatening or aggressive to any members to the public.

I give full support to this business and to all he staff involved as they are pleasure to shop and be around.

Should you require any other information, please do not hesitate to contact me.

Yours sincerely,

Dione Kolo  
56 Chestnut Road Enfield  
EN3 6SY  
Tel 07984417509



1P02

Received by email @ 16:16 on 21/11/14

To whom it may concern

Re: - Ordanance Super Market, 115 Ordanance Rd, Enfield, EN3 6AF

I was very surprised to see the notice outside the above shop.

I have never known this supermarket to be any problem, the staff is always very helpful and friendly.

I have never seen them sell alcohol or cigarettes to underage children; they are never rude or have ever been aggressive.

I give full support to this business and to all the staff involved as they are a pleasure to shop at their store.

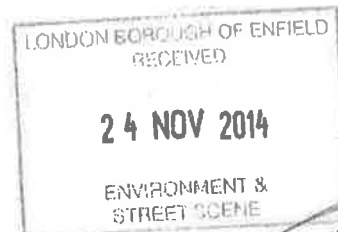
Should you require any other information, please do not hesitate to contact me.

Yours Sincerely

Mr DANIEL CROUCH  
26 Raynton ROAD  
EN3 6BL

07527799910

D Crouch



Received by email @ 16:18 on 21/11/14 <sup>1F04</sup>

To whom it may concern

Re: - Ordanance Super Market, 115 Ordanance Rd, Enfield, EN3 6AF

I use the above shop every day.

They are always been very helpful and friendly to shoppers, and we rely on them to be there for our needs

I have never seen them sell alcohol or cigarettes to underage children; they are never rude or have ever been aggressive.

I give full support to this business and to all the staff involved as they are a pleasure to shop at their store.

Should you require any other information, please do not hesitate to contact me.

Yours Sincerely

PAWEL WARGAN

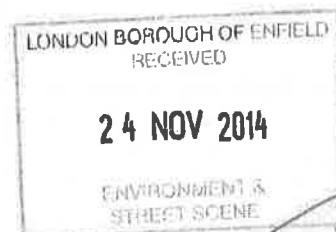
1 FAIR OAKS GROVE

ENFIELD EN3 6LY

07584 207991

*Wayne Paul*

10/11/2014



post

1905

Received by email @ 16:18 on 2/11/14

To whom it may concern

**Re: - Ordanance Super Market, 115 Ordanance Rd, Enfield, EN3 6AF**

I am local resident and use the supermarket in Ordanance Rd on a regular basis.

They have always been very helpful and friendly to shoppers.

I have never seen them sell alcohol or cigarettes to underage children; they are never rude or have ever been aggressive.

I give full support to this business and to all the staff involved as they are a pleasure to shop at their store.

Should you require any other information, please do not hesitate to contact me.

Yours Sincerely

R. Kaur

Rajinder Kaur

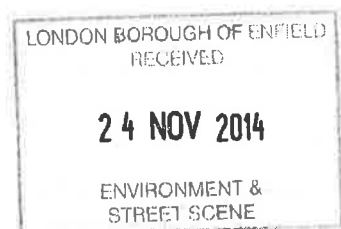
2 Hartmoor Mews

Enfield

EN3 6UR

Tel: 07957 599578

14/11/2014



POST

Received by email @ 16:18 on 2/11/14 <sup>1 P06</sup>

To whom it may concern

Re: - Ordanance Super Market, 115 Ordanance Rd, Enfield, EN3 6AF

Please log my support for the above Supermarket.

I was surprised to see the notice outside the above shop.

I have never known this supermarket to be to have any problems; the staff are always very helpful and friendly.

The supermarket is used every day by lots of the local residents, Old and Young alike, for some it is a life line.

I give full support to this business and to all the staff involved as they are a pleasure to shop at their store.

Should you require any other information, please do not hesitate to contact me.

Yours Sincerely

Mahmut Tutcu  
2 Uckfield Road  
Enfield  
EN3 6AT  
07931622858

*Mahmut Tutcu*

17/11/2014

