

## MUNICIPAL YEAR 2014/15 REPORT NO.

**COMMITTEE :**  
Licensing Sub-Committee  
11 February 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> Asya Wine Centre 495 Hertford Road, Enfield EN3	
<b>WARD :</b> Enfield Highway	

### 1 LICENSING HISTORY & CURRENT POSITION :

- 1.1 On 5 July 2005 an application by Mrs Kinder Dhardwar 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 24 April 2006 an application by **Mr Uygur Altun** (his former name, until 30 January 2014, was Mr Kemal Altun) for transfer of the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 10 August 2009 an application by **Mr Uygur Altun** for variation of the Premises Licence (so as to extend the hours of the sale of alcohol), which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4 On 30 March 2012 an application by **Mr Uygur Altun** 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.
- 1.5 The current Premises Licence permits :
  - 1.5.1 **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).
  - 1.5.2 **Supply of alcohol (off supplies only)** : Sunday to Saturday from 08:00 to 01:00 the following day.
- 1.6 Since 22 May 2009 the Designated Premises Supervisor specified on the Premises Licence has been **Mr Uygur Altun**.
- 1.7 A copy of a location map of the premises is attached as Annex 01.
- 1.8 A copy of the current Premises Licence is attached as Annex 02.

## 2 THIS APPLICATION :

- 2.1 On 4 November 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 and is made because:
  - 2.2.1 On 23 November 2009 Mr Uygar Altun was prosecuted because counterfeit alcohol was found on the premises.
  - 2.2.2 The minor variation application (granted on 30 March 2012 – see section 1.4, above) arose because counterfeit alcohol was again found on the premises.
  - 2.2.3 Since August 2013 the authority has witnessed non-compliance with condition number 15 of the Premises Licence on five separate occasions.
  - 2.2.4 On 15 August 2014 non-duty paid tobacco was found on the premises.
  - 2.2.5 On 22 August 2014 non-duty paid alcohol was again found on the premises.
- 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.
- 2.7 A copy of the additional information is attached as Annex 04.

## 3 RELEVANT REPRESENTATION :

- 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 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 :**

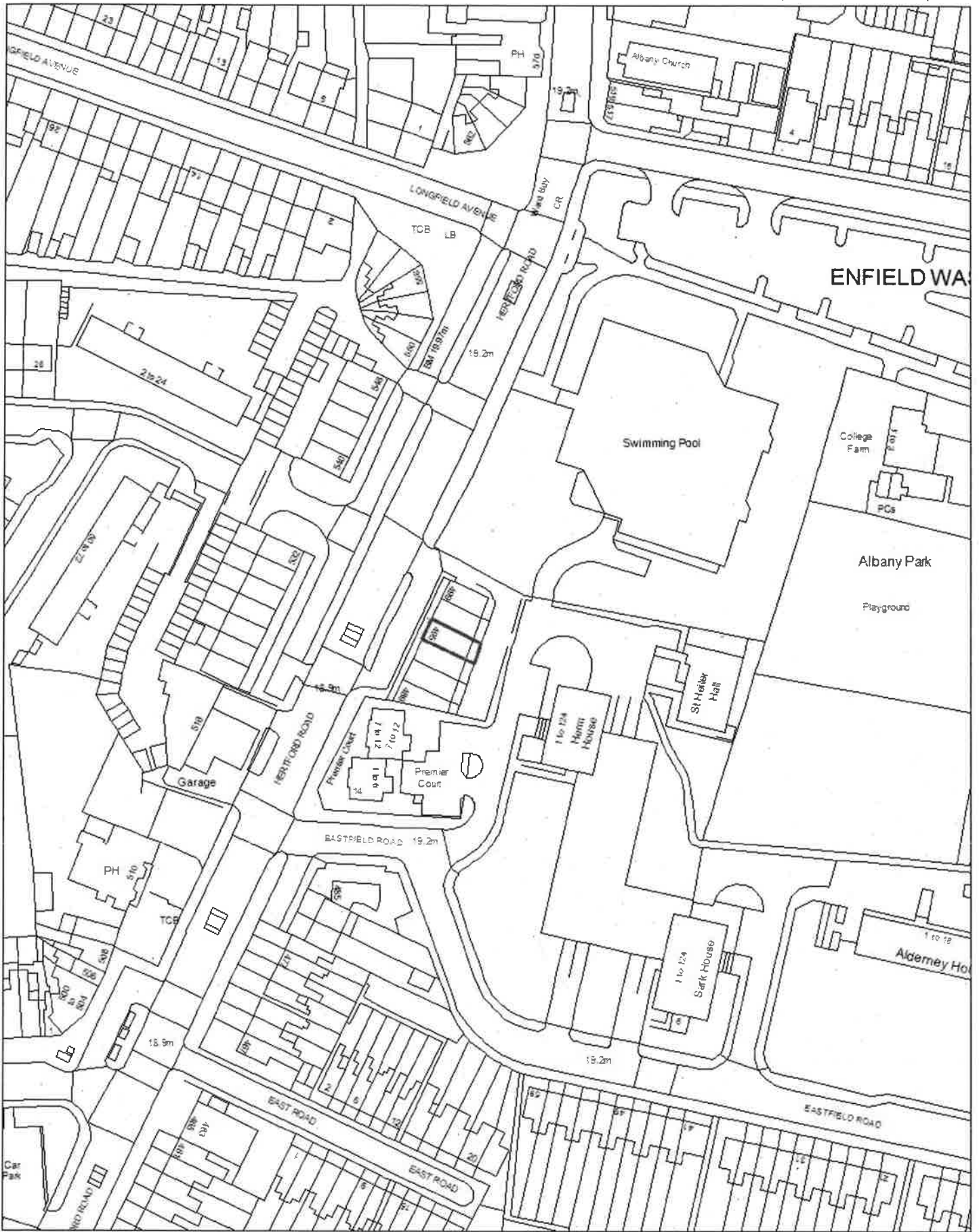
- 4.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 4.9.1 to modify the conditions of the licence;
  - 4.9.2 to exclude a licensable activity from 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**



**Asya Wine Centre, 495 Hertford Road, ENFIELD, EN3 5XH**

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



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Date 7 Jan 2015

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number :

**Part 1 – Premises Details**

Postal address of premises :

Premises name :

Telephone number :

Address :

Where the licence is time-limited, the dates :

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**

<b>Sunday :</b>	<b>00:00 - 00:00</b>
<b>Monday :</b>	<b>00:00 - 00:00</b>
<b>Tuesday :</b>	<b>00:00 - 00:00</b>
<b>Wednesday :</b>	<b>00:00 - 00:00</b>
<b>Thursday :</b>	<b>00:00 - 00:00</b>
<b>Friday :</b>	<b>00:00 - 00:00</b>
<b>Saturday :</b>	<b>00:00 - 00:00</b>

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

<b>Sunday :</b>	<b>08:00 - 01:00</b>
<b>Monday :</b>	<b>08:00 - 01:00</b>
<b>Tuesday :</b>	<b>08:00 - 01:00</b>
<b>Wednesday :</b>	<b>08:00 - 01:00</b>
<b>Thursday :</b>	<b>08:00 - 01:00</b>
<b>Friday :</b>	<b>08:00 - 01:00</b>
<b>Saturday :</b>	<b>08:00 - 01:00</b>

**Part 2**

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

**Name :** Mr Uygur Altun

**Telephone number :** Not provided

**e-mail :** Not provided

**Address :** 6 Martins Drive, Cheshunt, Waltham Cross, EN8 0RW

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

Not applicable

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

**Name :** Not applicable

**Telephone number :**

**Address :**

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

**Name :** Mr Uygur Altun

**Telephone number :** Not provided

**e-mail :** Not provided

**Address :** 6 Martins Drive, Cheshunt, Waltham Cross, EN8 0RW

**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/000003781

**Issuing Authority :** London Borough of Haringey

**Premises Licence LN/200500412 was first granted on 5 July 2005.**

**Signed :**  .....

**Date :** 17th February 2014

**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. A digital CCTV must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance door both inside and outside, the alcohol displays and floor areas; (2) The camera facing the entrance door shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till and alcohol areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) 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 on request.**
- 6. 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.**
- 7. 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 two years.**



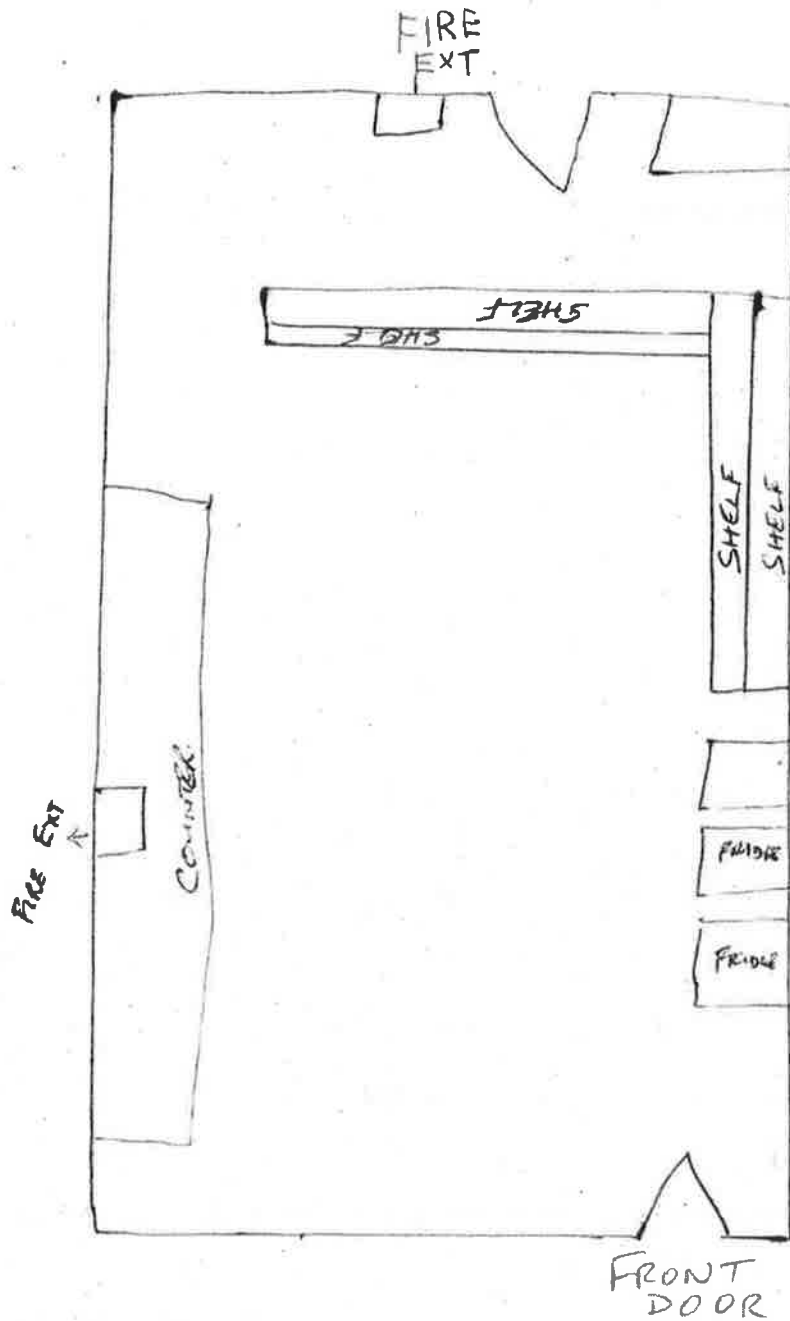
- 8. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 9. A written record of refused sales shall 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.**
- 10. 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.**
- 11. Signs shall be prominently displayed at the exit door of the premises advising customers that they are entering a "Drinking Control Area" and that alcohol must not be consumed in the street.**
- 12. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.**
- 13. 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.**
- 14. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.**
- 15. 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.**

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

**Not applicable**

Annex 4 - Plans

HERTFORD WINE MART  
495 HERTFORD ROAD  
ENFIELD MIDDLESEX EN3 5XH



**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> Asya Wine Centre, 495 Hertford Road	
<b>Post town</b> Enfield	<b>Post code (if known)</b> EN3 5XH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Uygur Altun
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<b>Number of premises licence or club premises certificate (if known)</b> LN/200500412
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**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 tobacco and alcohol. Conditions 15 of the licence - 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 has also been breached 5 times since August 2013.

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. The licence was transferred in April 2006 and the DPS varied in May 2009. A variation to increase the licensed hours was granted in August 2009. On 23<sup>rd</sup> November 2009 Kemal Altun was prosecuted under the Food Safety Act 1990 following the seizure of 25 bottles of Spar brand Imperial Vodka containing excessive levels of methanol. Kemal Altun was found guilty and ordered to pay a fine and costs. A minor variation was issued in March 2012 to add conditions to the licence following the discovery of further counterfeit alcohol (3 bottles of Bollinger).

**12<sup>th</sup> May 2012** - CLB & JF. Full inspection. Met Kemal Altun DPS and PLH who needs to amend his address details. Areas of non-compliance:  
Part A displayed instead of Part B.

Condition 4 - alcohol must not be sold in an open container - employee advised he would open it. PLH confirms this is incorrect.

Condition 10 - no leave quietly sign displayed - one provided.

Given 7 days to comply

**20<sup>th</sup> June 2012** – An officer phoned the PLH and asked him about his change of address as it had not been submitted. He said that he has two homes and still goes to the address that is on his licence regularly.

**5<sup>th</sup> August 2013** –10:05 - 10:20 An officer visited premises which was open and selling alcohol. One member of staff on site who spoke very little English and claimed just to be helping out a friend. Left inspection report saying that according to council records the annual fee for the premises has not been paid therefore the licence has been suspended and no alcohol sales can be made until the annual fee is paid. It also stated that if the PLH has paid the annual fee they must contact the licensing team with the receipt number, reference and date paid. A further copy of the reminder letter was left on site. **There was no personal licence holder on the site at the time of the visit which is a breach of Condition 15** and was also recorded on the report. The member of staff refused to sign the form or to phone the PLH who he said would be in bed.

**7<sup>th</sup> August 2013** – An officer phoned PLH and left messages on his landline and mobile asking him to call them and advising that until the annual fee was paid alcohol sales must cease. A/F paid.

**17<sup>th</sup> February 2014** - A DPS variation was issued as the PLH / DPS changed their name by deed poll from Kemal Altun to Uygur Altun.

**9<sup>th</sup> July 2104** – An Environmental Health Officer raised concerns with Licensing Enforcement and Trading Standards in relation to a large quantity of drugs paraphernalia for sale and on display at the counter at the premises. This included very small plastic self-seal bags including a selection of patterns, small weighing scales, rolling papers and grinders. These were all clearly on display on the counter.

**11<sup>th</sup> July 2014** - 09:55 - 10:50 - Full licence inspection carried out. C5 (7) - CCTV time out by one hour, (14) images only stored back to 24.06.14 - must be 31 days, C6, 7 - Training not done since 2012. Refresher training must be done every 3 months. C9 - Refusals book not used since 2012. **C15 - Staff unable to prove that he is a personal licence holder as he didn't have his card on him.** Part B of the licence was not on display. Given 14 days to comply. Concerns raised about drugs paraphernalia for sale on counter – small weighing scales, rolling papers, small plastic bags, including ones with cannabis leaf pattern on them. Photos taken of products. **See Appendix 1.**

**1<sup>st</sup> August 2014** - 19:15 - 19:30 - Revisit to check outstanding conditions. C5(14) - New CCTV recording device needed as current one cannot store 31 days of footage – was advised this will be fitted this week. **C15 - Personal licence holder to be on the premises throughout the licensed hours.** Given 7 days to comply.

**11<sup>th</sup> August 2014** – Allegation received that the premises has been selling under the counter cigarettes for some time.

**15<sup>th</sup> August 2014** - An employee of Environment under the direction of a Fair Trading Officer attempted to purchase 'cheap' tobacco/cigarettes. **She was sold foreign labelled cigarettes and tobacco which would not have been subject to UK duty** and did not bear the 'UK DUTY PAID' labelling. Also the required warning

label such as: 'Smoking seriously harms you and others round you' was in a foreign language.

The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings were thus contravened, amounting to a criminal offence under the Consumer Protection Act 1987.

A further offence under s.144 of the licensing Act 2003 was committed at the time of the sale keeping smuggled goods by the premises licence holder and the designated premises supervisor if they knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

**22<sup>nd</sup> August 2014** - A multi-agency inspection (involving brand representative, well versed in matters concerning counterfeit and duty diverted alcohol and tobacco detection dogs) was carried out at the premises. There were no seizures of counterfeit tobacco or alcohol. However, Trading Standards found drug paraphernalia such as grinders and drug bags for sale at the counter. The trade marks representative with Trading Standards also noted that 70cl Famous Grouse with duty stamp obliteration stickers removed were on display. This means that smuggled goods, on this occasion alcohol were found on the premises. A breach of s.144 Licensing Act 2003. Information passed to HMRC. 36 x IsopropylNitrite Poppers were taken for further investigation (these were later returned). There was no personal licence holder on the premises – **breach of condition 15**. Staff member - Murat said he had been looking after the shop for two weeks whilst the owner was in Turkey for a funeral. He said a letter of authority was submitted to the council but could not show the officer any paperwork. No such document was received.

**27<sup>th</sup> August 2014** - 10:55 - 11:05 - Visited premises and spoke to PLH via mobile phone - advised to call licensing team to find out what annual fee payment method they would accept. Previous payment bounced. Advised that no alcohol sales can be made until payment is received. No personal licence holder on the premises – **breach of C15**. Reminded that a personal licence holder needs to be on this premises at all times - he advised that he had just gone to the cash and carry but the officer advised that the condition applied at all times. A/F paid

### **Cumulative Impact Policy**

This premises is located within the Enfield Highway Cumulative Impact Policy area (CIP).

The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Sale/supply of alcohol (off supplies only): Monday – Sunday 08:00 – 23:00

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

The times on the current licence for this premises are:

Open:	08:00 – 01:00 everyday
Sale of Alcohol (off)	08:00 – 01:00 everyday

**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:**

The premises failed a test purchase by selling a packet of non-duty paid tobacco. None duty paid alcohol has also been seen at the premises. The premises has already been given the opportunity to submit a minor variation to strengthen the licence conditions following the discovery of counterfeit alcohol at the premises and the DPS has previously been prosecuted for selling counterfeit alcohol. Condition 15 of the licence has repeatedly been breached. The licensing authority have no confidence in the PLH / DPS.

**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, the licence be suspended for or 3 months and the hours be reduced in line with the CIP.**

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 goods 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:** 4<sup>th</sup> November 2014

**Capacity:** Licensing Enforcement Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**



**LICENSING AUTHORITY REPRESENTATION****ADDITIONAL INFORMATION**

**Name and address of premises:** Asya Wine Centre  
495 Hertford Road  
Enfield  
EN3 5XH

**Type of Application:** Review of Premises Licence

**This document includes additional information, not previously mentioned in the review application. It also includes all Officer Observations and Inspections carried out since the review was submitted on 4<sup>th</sup> November 2014:**

**13<sup>th</sup> March 2012** - A letter was sent to the premises licence holder recommending that they submit a minor variation application to strength the licence conditions following the discovery of 3 bottles of counterfeit Bollinger at the premises. The letter included a warning stating:

'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, Trading Standards shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance'. **See Appendix 1 and 2.**

**28<sup>th</sup> May 2014** - A letter was sent to the premises setting out the new updated Mandatory Licence Conditions. At the end of the list of conditions is advice from Trading Standards which states:

'You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person'.

**See Appendix 3.**

**4<sup>th</sup> November 2014** - The licence review application was hand delivered to the premises at 16:25. There was one male behind the counter. The officer asked him if Mr Altun was there and he said no and phoned him. The officer explained to Mr Altun on the phone that they were there to deliver a review application and asked if the male working behind the counter was a personal licence holder and he said no. Mr Altun asked what the review was for and the officer explained that it was being submitted because non duty paid products had been sold and found at the premises and because they kept breaching condition 15 re the personal licence holder. Mr Altun said that he was at the bank and then said that the male behind the counter was a personal licence holder but that he just didn't have his personal licence on him. The officer advised that if the male gave his contact details this could be checked. As the officer looked up at

the male behind the counter they noticed that he appeared to be subtly shaking his head. The officer turned around and noticed a male - white, aged 60's, grey hair holding a £5 note. He asked the male behind the counter 'Do you have any of the Marlboro lights in?' The male behind the counter picked up a packet of cigarettes and the customers said 'No the duty free ones'. The officer told Mr Altun what had just happened. The male customer left the premises during this conversation empty handed. The man at the counter spoke to Mr Altun on the phone and then wrote down a name. The officer asked for his address and he made another call before writing it down. He then showed the officer a text with the address details on it. He did not have any photo ID so there was no proof these were really his details. The officer looked behind the counter but could not see any non-duty paid cigarettes. Once back at the office the officer checked the personal licence register and a personal licence had been issued to the male seen at the premises on this occasion.

**11<sup>th</sup> November 2014** – The additional copy of the review which was sent to Premises Licence Holder's home address was returned with 'not known at this address, return to sender' written on the envelope. It therefore appears that the Premises Licence Holder does not live at the address listed on the premises licence for him. Under the Licensing Act 2003, the Premises Licence Holder is required to inform the Council of any change of name or address on the DPS.

**23<sup>rd</sup> January 2015** – 19:40 - Licensing Enforcement Officers visited the premises to carry out a full licence inspection. Mr Uygur Altun was called to the shop on the officer's arrival. The following conditions were being breached:

Condition 5 (13) - Need CCTV signage, (14) CCTV not recording for 31 days, but may be because police took recording following burglary incident upstairs 2 weeks ago. Condition 6 and 7 - Refresher training should have been carried out on 11/01/15 for all staff as last training was 11/10/14. Training book had 5 entries since last inspection, Mr Dede Altun works in the shop but was not named in the book. Condition 9 - No up to date refusals book, last entry 31/12/14. Condition 15 - All 4 staff have been on personal licence course 2 weeks ago, but awaiting results. Advice give: Condition 8 - Think 21 sign displayed at shop entrance, advised LBE currently promote Think 25. Condition 10 - Leave quietly sign needs to be turned around to face customers as leaving, rectified during visit. Another leave quietly sign displayed above the counter. Mr Altun claimed he moved house last Wednesday. Officers advised him he needs to change his details with the licensing team, in writing, with a fee. One of the officers checked behind the counter but could see no sign of non-duty paid tobacco. One tobacco sale was refused to a young male in the officers presence as he did not have ID. One of the officers observed two different males ask quietly for something over the counter, with a £1 coin ready, however the member of staff shook their head, muttered "council" and the customers left straight away without buying anything else. UV light tested and ok. Two inspection reports completed, copy signed by and issued to Mr Altun. Given 3 days to address non compliances.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Signed:



Date: 26<sup>th</sup> January 2015

Mr Kemal Altun  
Hertford Wine Centre  
495 Hertford Road  
Enfield  
EN3 5XH

Please  
reply to:

Charlotte Palmer  
Business Regulation, PO Box 57, Civic  
Centre, Silver Street, Enfield, Middlesex  
EN1 3XH

Tel: 020 8379 3965

Fax: 020 8379 2190

Email: [trading.standards@enfield.gov.uk](mailto:trading.standards@enfield.gov.uk)

My Ref: WK/211123806

Your Ref:

Date: 13<sup>th</sup> March 2012

Dear Mr Altun

**Hertford Wine Centre, 495 Hertford Road, Enfield, EN3 5XH - Licensing Act 2003**

I write in relation to the premises licence that you hold for the above premises.

In **January 2012** Enfield Trading Standards visited the premises and discovered some counterfeit alcohol for sale. **This is a criminal offence.**

As a result of this visit and discovery Enfield Trading Standards is considering reviewing the premises licence. Trading Standards believe that additional conditions need to be added to the premises licence to strengthen the licensing objectives.

However, in considering any review application, the Council's Licensing Sub-Committee may choose to:

- revoke the licence;
- suspend the licence for up to three months;
- remove the DPS from the licence;
- exclude a licensable activity from the licence; and
- modify the conditions of the licence.

As an alternative to having your licence reviewed Trading Standards are prepared to offer you the opportunity to apply for a minor variation to voluntarily add conditions to the premises licence and / or to improve some of the current conditions.

Enclosed is a document showing suggested amendments to the conditions. The additional conditions are designed to help prevent crime and disorder associated with the sale of counterfeit and / or non-duty paid items on the premises in the future and to further support the licensing objectives.

If you agree to apply for the minor variation please do so **within 14 days of the date of this letter**. A minor variation application form is enclosed.

If you do not agree to submit the minor variation, it will leave Trading Standards with no choice but to pursue a review of the premises licence. You will then run the risk of having the licensing committee impose stricter restrictions on the premises licence and possibly even suspend or revoke the licence.

**Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, Trading Standards shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance.**

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given please contact me on the above telephone number.

Yours sincerely,

Charlotte Palmer  
Licensing Enforcement Officer

cc: Mr Kemal Altun, 1 Reynardson Court, High Road, Tottenham, London, N17 9HN.

**Amended / additional conditions to be added to premises licence for:****Hertford Wine Centre, 495 Hertford Road, Enfield, EN3 5XH – LN/200500412**

Remove current conditions and replace them with the following:

- 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.
- Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- A digital CCTV must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance door both inside and outside, the alcohol displays and floor areas; (2) The camera facing the entrance door shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till and alcohol areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) 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 on request.
- 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.
- 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 two years.
- 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.

- 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.
- 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.
- Signs shall be prominently displayed at the exit door of the premises advising customers that they are entering a "Drinking Control Area" and that alcohol must not be consumed in the street.
- The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.
- 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.
- An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.
- 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.



**Mr Kemal Altun**  
**1 Reynardson Court**  
**High Road**  
**Tottenham**  
**London**  
**N17 9HN**

**Regeneration & Environment**  
Please reply to : Licensing Team  
: PO Box 57  
: Civic Centre, Silver Street  
: Enfield, Middx. EN1 3XH  
Tel : 020 8379 3578  
Fax : 020 8379 2190  
Minicom : 020 8379 4419  
Email : [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)  
My ref : Mandatory Conditions  
Your ref : LN/200500412  
Date : From 28 May 2014

**IMPORTANT – PLEASE READ**

**THIS LETTER CONCERNS YOUR NEW LEGAL RESPONSIBILITIES AND ANY FAILURE TO ACT ON THESE MATTERS COULD LEAD TO YOUR PROSECUTION**

Dear Mr Kemal Altun

**Re: Asay Wine Centre, 495 Hertford Road, ENFIELD, EN3 5XH**

I refer to your Premises Licence and/or Club Premises Certificate, under the Licensing Act 2003, in respect of the above premises/club premises.

If your licence/certificate authorises the sale/supply of alcohol then you must comply with the contents of this letter. If alcohol is *not* authorised under the licence/certificate please disregard this letter.

As you are aware, you must ensure that the operation of the premises/club premises, complies with the conditions set out in Annexes 1, 2 and 3 of the licence/certificate document.

I am writing to advise that new Mandatory Conditions have been attached to your licence/certificate by Parliament. You must ensure that the operation of the premises/club premises, under the licence/certificate, *also* complies with the Mandatory Conditions, even though they are *not* printed on your licence/certificate document.

Failure to comply with the conditions of your licence/certificate and/or the Mandatory Conditions is a criminal offence with a maximum penalty, on conviction, of 6 months imprisonment and a £20,000 fine.

The Mandatory Conditions are set out below:

1. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.  
(2) For the purposes of the condition set out in paragraph (1) —

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where —

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) — (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual



in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
6. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

NB. The “responsible person” means—

(a) in relation to licensed premises—

(i) the holder of a premises licence in respect of the premises,

(ii) the designated premises supervisor (if any) under such a licence, or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

The Home Office have produced Guidance (on banning the sale of alcohol below the cost of duty plus VAT) and a Permitted Price Calculator. These documents may be viewed, down-loaded and printed via the following web-link: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

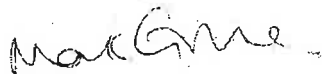
**TRADING STANDARDS ADVICE :**

You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person.

Yours sincerely



pp. The Licensing Team

\*'licence' includes licences, certificates, permits, registrations, notices, notifications, approvals and authorisations

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

**Name and address of premises:** Asya Wine Centre  
495 Hertford Road  
Enfield  
EN3 5XH

**Type of Application:** Review of a Premises Licence

**Worksheet number:** WK/214062873

**Premises Licence Number:** LN/200500412

**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 tobacco.

**Location**

This premises is situated in a street made up of predominantly commercial businesses.

**History**

There are no relevant reports on Police crime and intelligence systems relating to this venue.

**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> August 2014, an employee of Environment under the direction of a Fair Trading Officer attempted to purchase 'cheap' tobacco/cigarettes. She was sold foreign labelled cigarettes and tobacco which would not have been subject to UK duty and did not bear the 'UK Duty Paid' labelling. Also the required warning label such as: '*Smoking seriously harms you and others round you*' was in a non – English format.

The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings were thus contravened, amounting to a criminal offence under the Consumer Protection Act 1987.

A further offence under s.144 of the licensing Act 2003 was committed at the time of the sale keeping smuggled goods by the premises licence holder and the designated premises supervisor if they knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

### **Cumulative Impact Policy**

This premises is located within the Enfield Highway Cumulative Impact Policy area (CIP).

The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Sale/supply of alcohol (off supplies only): Monday – Sunday 08:00 – 23:00

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

The times on the current licence for this premises are:

Open:	08:00 – 01:00 everyday
Sale of Alcohol (off)	08:00 – 01:00 everyday

### **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:**

The premises failed a test purchase by selling a packet of non-duty paid tobacco. None duty paid alcohol was also seen at the premises. The premises has already been given the opportunity to submit a minor variation to strengthen the licence conditions following a previous discovery of counterfeit alcohol at the premises and the DPS has previously been prosecuted for selling counterfeit alcohol. Condition 15 of the licence has been repeatedly breached. The Metropolitan Police has no confidence in the PLH / DPS whatsoever to carry out their functions within the guidelines of the licensing act and supports the Licensing Authorities recommendation that this licence be revoked.

However, if the Licensing Committee does not deem it necessary to revoke the licence in its entirety, Police further recommend that the DPS be removed from the licence, the licence be suspended for or 3 months and the hours be reduced in line with the core hours as set out in the boroughs cumulative impact policy.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

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