

## MUNICIPAL YEAR 2015/16 REPORT NO.

**COMMITTEE :**  
**Licensing Sub-Committee**  
**1 April 2015**

**REPORT OF :**  
**Principal Licensing Officer**

**LEGISLATION :**  
**Licensing Act 2003**

| Agenda - Part   | Item |
|---|------|
| <b>SUBJECT :</b><br><b>Application to review a premises licence</b>         |      |
| <b>PREMISES :</b><br><b>Sheelpa Express</b><br><b>389 Ordnance Road EN3</b> |      |
| <b>WARD :</b><br><b>Enfield Lock</b>  |      |

### 1 LICENSING HISTORY & CURRENT POSITION :

#### Licence no. LN/200500126

- 1.1 On 10 May 2005 an application by **Mr Sezayi Aydemir** 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 2 July 2008 an application by the **Trading Standards Service** to review the Premises Licence (so as to modify the conditions of the licence, following the sale of alcohol to an under-aged person), was granted by the Licensing Sub-Committee. The Chairman made the following statement "We are pleased to note that subsequent test purchasing sales were refused. We agree and impose the actions recommended by the Trading Standards Service in relation to the modification of the conditions of the Premises Licence which are necessary for the promotion of licensing objectives."
- 1.3 On 27 July 2011 the Premises Licence was duly surrendered by **Mr Sezayi Aydemir**.
- 1.4 Between 10 May 2005 and 27 July 2011 the Designated Premises Supervisor specified on the Premises Licence was **Mr Sezayi Aydemir**.

#### Licence no. LN/200900553

- 1.5 On 1 December 2009 an application by **Cilana Limited** for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.6 On 8 August 2011 an application by **Cilana Limited** 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.
- 1.7 On 15 January 2014 a second application by the **Licensing Authority** to review the Premises Licence (so as to modify the conditions of the licence and to remove the designated premises supervisor, following the further sale of alcohol to an under-aged person and the premises being found operating in breach of licence conditions on a number of separate occasions), was granted by the Licensing

Sub-Committee. The Chairman made the following statement "The Licensing Sub-Committee is pleased to hear that the Responsible Authorities and Licence Holder have come to an agreement, such that the request to revoke the licence has been reduced to a request that the Licence Holder submit an application to vary the designated premises supervisor by Friday 24th January 2014. In addition, all the new conditions are agreed and attached to the licence with effect from today. By the agreement of all parties, the Premises Licence Holder is given one month to dispose of all existing stock of super strength alcohol products as defined in the newly agreed additional condition. This is not a permission to continue selling super strength beer and cider until 15th February 2014; merely a permission to dispose of existing stock as of today's date."

- 1.8 On 22 January 2014 an application by **Cilana Limited** to specify a new individual as Designated Premises Supervisor, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.9 The current Premises Licence permits :
  - 1.9.1 **Hours the premises are open to the public** : Sunday from 10:00 to 22:30 and on Monday to Saturday from 08:00 to 23:00.
  - 1.9.2 **Supply of alcohol (off supplies only)** : Sunday from 10:00 to 22:30 and on Monday to Saturday from 08:00 to 23:00.
- 1.10 Between 1 December 2009 and 22 January 2014 the Designated Premises Supervisor specified on the Premises Licence was **Mr Sezayi Aydemir**.
- 1.11 Since 22 January 2014 the Designated Premises Supervisor specified on the Premises Licence has been **Ms Sevim Aydemir**.
- 1.12 In respect of **Cilana Limited**, the current secretary is **Mr Sezayi Aydemir** and the current director is **Ms Sevim Aydemir**.
- 1.13 A copy of a location map of the premises is attached as Annex 01.
- 1.14 A copy of the current Premises Licence is attached as Annex 02.

## 2 **THIS APPLICATION :**

- 2.1 On 30 January 2015 a third application was made by the **Licensing Authority** for the review of the Premises Licence.
- 2.2 This third review application relates to the prevention of crime and disorder licensing objective and is made because, since the last hearing of the Licensing Sub-Committee on 15 January 2014 :
  - 2.2.1 On 9 December 2014 non-duty paid tobacco was found on the premises.
  - 2.2.2 In addition, the premises has been found to be operating in breach of licence conditions on two occasions.
- 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 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 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 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**



Sheelpa Express, 389 Ordnance Road, ENFIELD, EN3 6HN.

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



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Drg.No. 6700A  
 Scale 1:1250  
 Date 3 March 2015

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/200900553

**Part 1 – Premises Details**

Postal address of premises :

Premises name : Sheelpa Express

Telephone number : 01992 718940

Address : 389 Ordnance Road ENFIELD EN3 6HN

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 :    | 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 |

(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 |

## Part 2

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

|                    |  |
|--------------------|--|
| Name :             | Cilana Limited                                       |
| Telephone number : | 01992 718940   |
| e-mail :           | Not provided   |
| Address :          | Sheelpa Express, 389 Ordnance Road, ENFIELD, EN3 6HN |

Registered number of holder (where applicable) :

06476252  
06476252

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 :             | Ms Sevim Aydemir                  |
| Telephone number : | 01992 700289                      |
| e-mail :           | Not provided                      |
| Address :          | 4 Newport Close, ENFIELD, EN3 6BH |

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/201300708              |
| Issuing Authority :       | London Borough of Enfield |

Premises Licence LN/200900553 was first granted on 1 December 2009.

Signed : 

Date : 22nd January 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. A monitored alarm system to EU 50131 must be installed at the premises.**
- 5. 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 should not be taken off the outside seating area 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.**
- 6. 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 area quietly. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.**
- 7. 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 viewing till 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 and / or authorised officers of the council 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 and / or authorised officers of the council on request.

8. 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.

9. The premises shall 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) may be accepted.

10. 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.

11. At least two members of staff shall be present on the shop floor of the premises from 19:00 until closing.

12. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

13. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

14. 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.

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

16. 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.

17. 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**

18. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept for 12 months.

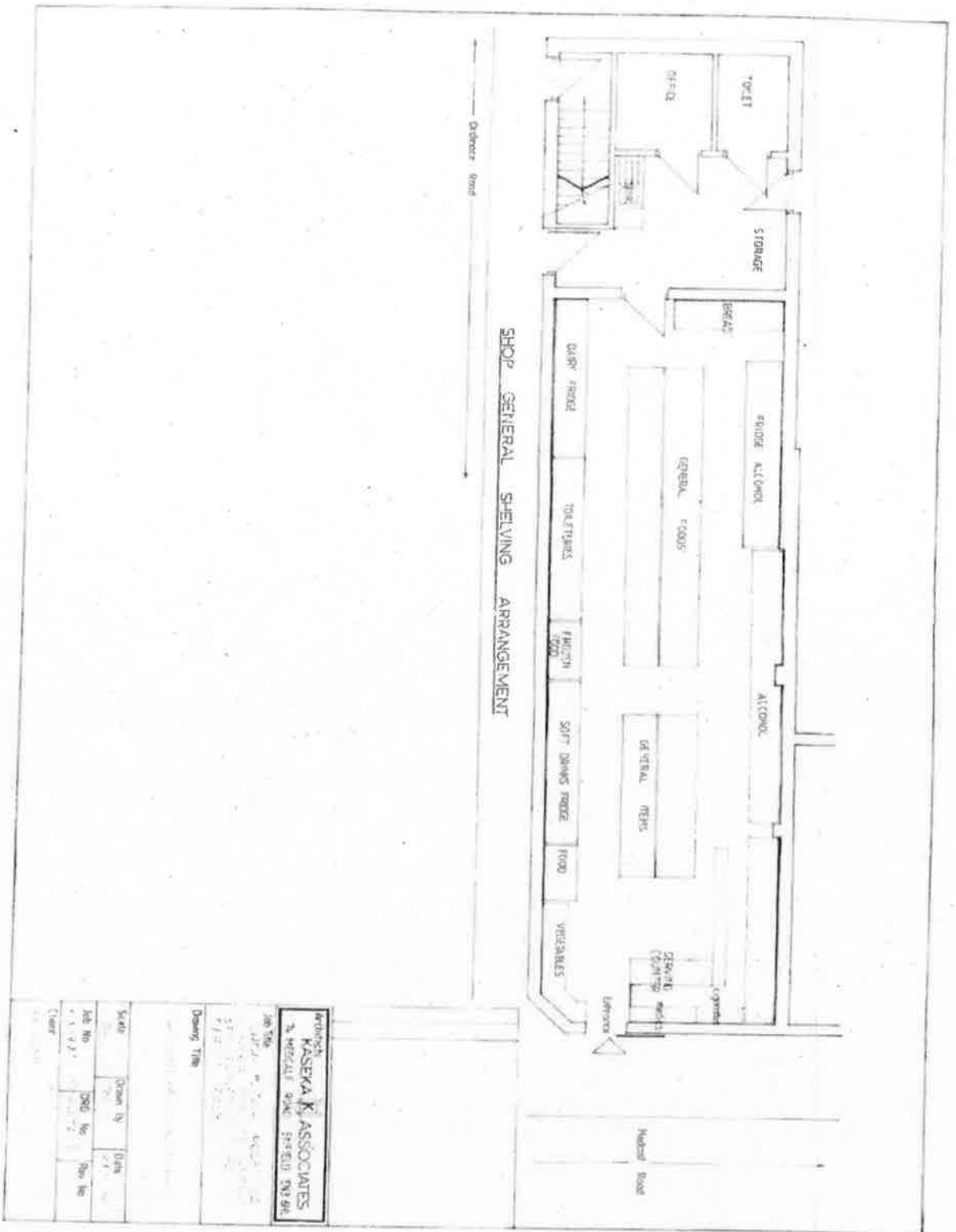
**These records shall be made available to the Police and/or Local Authority upon request.**

**19. 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.**

**20. No Beers/Ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed / sold or offered for sale from the premises.**

**21. The premises will not sell any beer, lager or cider unless 3 or more bottles/cans are purchased together.**

Annex 4 - Plans



**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> |                             |
| Sheelpa Express, 389 Ordnance Road  |                             |
| <b>Post town</b>  | <b>Post code (if known)</b> |
| Enfield   | EN3 6HN                     |

|   |
|---|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b> |
| Cilana Limited  |

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b> |
| LN/200900553  |

**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<br>Charlotte Palmer<br>Licensing Authority<br>London Borough of Enfield<br>PO Box 57<br>Civic Centre<br>Silver Street<br>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.

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:**

The licence for this premises was converted to a premises licence in 2005. The licence was reviewed to strengthen the conditions following an underage alcohol sale in 2008. The premises licence holder was given the opportunity to submit a minor variation to strengthen the licence conditions as a result of non-duty paid alcohol being found at the premises twice in 2011. A review to revoke the licence was submitted in 2013 following a further underage alcohol sale, several licence breaches and links to anti-social behaviour.

The last licence reviewed was heard in January 2014. I enclosed that review application as **Appendix 1 & 2** and the Decision Notice as **Appendix 3**. The details of the previous review are relevant to this case as the Premises Licence Holder is the same.

**History since the last review:**

**23<sup>rd</sup> May 2014** – Licensing Enforcement Officers (CT / NEJ) arrived at the premises at 20:50 to carry out a full inspection - met by 2 staff who called manager Mr Sezeyi Aydemir who arrived in around 5 minutes. All condition complied with. Left inspection report of visit. Left at 21:05. Also on this date Trading Standards carried out an underage test purchase operation. The premises refused the sale.

**8<sup>th</sup> October 2014** – Trading Standards received an allegation that the premises sell illegal cigarettes.

**9<sup>th</sup> December 2014** - A multi-agency inspection (involving a brand representative, HMRC, Trading Standards and tobacco detection dogs) was carried out at the premises. 17 packets of non-duty paid cigarettes (20 per pack) and 18 x 50g of non-duty paid rolling tobacco were seized by HMRC.

The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings to be displayed on the packets was 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 - knowingly keeping or allowing to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. **See Appendix 4 & 5.**

**7<sup>th</sup> January 2015** - 10:15 - 10:37 - Full licence inspection carried out (CPX) Condition 7 (14) Footage on CCTV stored for 30 days instead of 31 days. Went back to 09.12.14. Condition 14 - Reminded to carry personal licence card when working. Advised premises licence holder that review will be submitted due to non-duty paid products being found.

**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:**

This premises has a significant history of wrongdoing, resulting in two licence reviews and being given the opportunity to voluntarily submit a minor variation to strengthen the licence conditions. Having had further non duty paid products seized from the premises despite having all the relevant conditions attached to the licence leaves the Licensing Authority with no confidence in those running the premises. The Licensing Authority feeling the actions of those running the premises have left them with no choice but to recommend that this licence be revoked.

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> |          |

**This premises has a significant history of wrongdoing. The conditions attached to the premises licence already include all of the conditions that the Licensing Authority would seek for an off licence premises.**

**Having regard to all this information, and taking into account the DCMS guidance that, this leaves little option other than for the Licensing Authority to seek total revocation of the premises licence.**

**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

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

Review submitted on 22<sup>nd</sup> November 2013 by Ellie Green, Principal Trading Standards Officer – Licensing Enforcement on the grounds that the premises was found to be selling alcohol to children, had a history of breaching licence conditions and had links with anti-social behaviour. The review related to the following licensing objectives: the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance.

Review submitted on 22<sup>nd</sup> April 2008 by Emma Hope, Fair Trading Officer, on the grounds that the premises had been found to be selling alcohol to children. The review related to the following licensing objectives: the protection of children from harm.

**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:** 30<sup>th</sup> January 2015

**Capacity:** Licensing Enforcement Officer



**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**

**Sheelpa Express**

|  |  |
|--|--|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>389 Ordnance Road |  |
| <b>Post town</b><br>Enfield  | <b>Post code (if known)</b><br>EN3 6HN |
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b>                      |  |
| <b>Number of premises licence or club premises certificate (if known)</b>  |  |

**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<br>Ellie Green<br>Licensing Authority<br>London Borough of Enfield<br>PO Box 57<br>Civic Centre<br>Silver Street<br>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, has links with anti-social behaviour and the sale of non duty paid alcohol.

This review is primarily based on the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance licensing objectives. 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)

**10/5/2005** - Mr Sezayi Aydemir has been involved at the premises as PLH and DPS since the licence (LN/200500126) was converted and issued on 10/5/2005.

**22/4/2008** - Trading Standards sought a review of the premises licence (LN/200500126) following a failed test purchase of alcohol by a sales assistant, Serim Eroglu, to an underage volunteer on 9/2/2008. The review was to modify the premises licence conditions to support the prevention of children from harm licensing objective, which was agreed at the licensing sub-committee, and the amended licence was issued on 2/7/2008.

**29/10/2009** - A new premises licence application was submitted on this date following advice from Licensing Enforcement due to the extended licensable area at the same premises. Cilana Ltd was the named PLH and Mr Aydemir named as the DPS since 29/10/2009, and the new premises licence (LN/200900553) was issued on 1/12/2009.

Up to date records show that Cilana Ltd is registered to the same address as Sheelpa Express, and the Director is named as Sevim Aydemir, 4 Newport Close, Enfield, EN3 6BH, DOB 27/10/1977, since 13/2/2008. Mr Sezayi Aydemir, DOB 1/1/1979 (same address) was named as a previous director also on 13/2/2008, but it is unclear when his position as Director ceased.

**14/7/2011** – Licensing Enforcement sent Cilana Ltd a letter encouraging them to submit a minor variation to strengthen conditions of the premises licence, following non duty paid alcohol was found at Sheelpa Express on 1<sup>st</sup> February 2011 and 1<sup>st</sup> April 2011.

**8/8/2011** – The modified premises licence was sent following the minor variation.

**18/8/2011** – LBE sent all appropriate material to the premises to assist in meeting the licence conditions.

### **Complaint and Visit History of Premises (since 8/8/2011)**

**26/1/2012** – Trading Standards received information from the police alleging underage sales of alcohol and tobacco take place from the premises. An advice letter to prevent this and training material was sent to the premises on the same day (and again on 20/6/12).

**25/7/2013** – A female Trading Standards volunteer, aged 17 years and 15 days entered Sheelpa Express and purchased a 275ml bottle of WKD Original Vodka Blue. The seller, Mr Garip Guskara, returned the amount tendered plus 95 pence and the bottle of alcohol. After the sale took place, an officer (SML) from Trading Standards entered the premises to advise of the sale and to take the offender's details. The officer checked the training records (required by conditions 7 and 9) revealed that Mr Garip Guskara received training on the 17.04.13 and worked at the premises for one and half years. A notice of the Alleged Offence was left on the premises, for the **offence of selling to underage children (namely Section 146 of the Licensing Act 2003)**. This visit also identified a **breach of licence condition 9** which states that training should take place at least every 3 months. The training for Mr Garip Guskara was approximately one week overdue.

**5/8/2013** - A Licensing Enforcement Officer (CPX) visited Sheelpa Express at 10:15 to carry out a full licence inspection following the recent failed underage test purchase. The officer met with Mr Emrah Polat, manager. **The following six conditions were found to be in breach:**

Condition 5 - No alcohol zone poster on display - poster issued.

Condition 6 - Leave quietly poster not on display - poster issued.

Condition 9 - The officer also checked training records, particularly of Mr Garip Guskara, the recent seller of the underage alcohol: his training was documented on 01/04/11, 02/07/11, 11/10/11, 17/03/11, 17/07/12, 17/10/12, 17/01/13, 17/04/13. The officer noted that other Council Officers have signed the training book several times in-between these entries so they could not have been added to following the sale.

Condition 10 – A Think 21 poster was on display instead of the new scheme "Think 25", so a new Think 25 poster was issued to display in its place.

Condition 8(14) – CCTV images were not stored for 31 days. At time of this visit, the images were only saved as far back as 02/08/13, just 3 days.

Condition 15 - No personal licence holder on the premises.

The officers also checked the refusals book, where the last entry was made on 24/07/13, and the officer from Trading Standards signed under this last entry on 25/07/13 (following test purchase).

The officer gave 14 days for all conditions to be brought into compliance of these conditions, and an inspection report was completed, and signed and a copy issued to Mr Polat.

**12/8/2013** – Due to the recent underage sale, Licensing Enforcement contacted the police for any background information on the premises, and were advised that the shop has seen a lot of activity recently, with known gang members who congregate around the shop.

**14/8/2013** – Licensing Enforcement received information from the police that the known manager at the premises is Mr Emrah Polat. The police are aware that local residents are intimidated by people gathering around Sheelpa Express. Licensing Enforcement were further made aware that the police carried out a stop and search of people hanging around Sheelpa Express on 10/8/2013 where one male was found with a small quantity of cannabis. When asked by the police why he was hanging around Sheelpa Express, the male stated he had bought a drink, but on further searching, the police did not find any drink. The male was issued a warning.

The police provided a further five reports that in July and August 2013, they had received allegations of males loitering outside Sheelpa Express causing anti-social behaviour, including being noisy, drinking and smoking drugs. A report from July 2013 shows information that underage sales of alcohol take place from Sheelpa Express. The times of these reports range between 13:00 and 19:35.

**14/8/2013** – Licensing Enforcement were further made aware that the Police had received further intelligence that males congregate around Sheelpa Express, and are constantly going in and out of the shop. These males drink alcohol outside, and hide the alcohol in the bushes. A further allegation was made that a known drug dealer's car often pulls up outside the shop and speaks to workers inside the shop.

**15/8/2013** – Licensing Enforcement were made aware that the Police and LBE's Community Safety team had received information from a local resident alleging that most evenings, males hang around outside Sheelpa Express smoking drugs and drinking alcohol. A further allegation was made that another group of males, as many as 10, congregate around Sheelpa Express around 10pm, again most evenings. It was generally commented that Sheelpa Express was a meeting point for undesirables, who wish to congregate to smoke drugs and drink alcohol.

**21/8/2013** - Licensing Enforcement Officer (CPX) arrived at Sheelpa Express at 10:25am to carry out a revisit to check the outstanding conditions from 5/8/2013. Mr Emrah Polat, manager, was present. **The following 3 conditions were still found to be in breach:**

Condition 8(14) - CCTV still not stored for 31 days. The footage was only available going back to 09/08/13.

Condition 9 - Refresher training was due on 17/07/13 but this was not carried out. The training book stated the refresher training was due on 17/08/13 but this would be 4 months not 3 months between training. Despite this error, there were still no entries since the last officer visit. Mr Polat was the only member of staff on the premises, and he did feature in the training book.

Condition 15 - Personal licence holder not on the premises

The officer advised Mr Polat that the licence breaches and underage sale could lead to prosecution and or a licence review and that all conditions must be complied with.

The officer gave 7 days to comply, and completed an inspection report which was signed by and a copy issued to Mr Polat.

**12/9/2013** – Licensing Enforcement were made aware of a Councillor enquiry made to Community Safety where the following concerns were raised:

Anti-social behaviour (adult men who are loitering, drinking alcohol, shouting and creating litter) around Sheelpa Express, which has been affecting local residents for the past three months, due to anti-social behaviour and noise incidents, and also littering issues (namely lager cans). These adults who loiter appear to be friends or associates of the owner of Sheelpa Express.

**13/09/2013** – A male Trading Standards volunteer, aged 15 years 126 days attempted to purchase alcohol from Sheelpa Express. The attempt failed when the volunteer was asked his age, and he was obliged to provide his correct age. However, both the police officer who acted as a witness for this test purchase and the volunteer believed that a sale would have been made if the volunteer lied about his age.

**20/9/2013** – Licensing Enforcement officers (CLB and NEJ) visited Sheelpa Express at 20.05 to carry out a revisit to check the outstanding conditions. The officers met the manager, Mr Emrah Polat. He stated that the DPS, Mr Aydemir, is alleged to be at the premises morning and afternoon daily.

The officers checked the refusals book for a record of the refusal of the underage sale test purchase from 13/9/13, which was seen. **However, the following (same) three conditions were found to be in breach:**

Condition 8 (14) - Not possible to view 31 days recording from CCTV as new CCTV was installed on 17/9/13.

Condition 9 - Refresher training of all staff not carried out.

Condition 15 - Personal Licence holder not on premises at time of inspection.

Officers completed an inspection report, which gave 14 days to comply, which was signed by and a copy issued to Mr Polat.

Officers did not witness any persons loitering outside the premises.

**5/10/2013** – Licensing Enforcement Officers (JRS and CT) visited Sheelpa Express at 21:15 to carry out a full inspection. The officers met with Emrah Polat, who advised he was a shop assistant. **The following two conditions were found to be in breach:**

Condition 8 (14) – Mr Polat unable to show that CCTV images are kept for 31 days.

Condition 15 – a personal licence holder was not on the premises at time of visit.

Officers issued Mr Polat with a Licensing Inspection Report and a Notice of Alleged Offence for the breaches, and advised that the premises licence is likely to be reviewed.

During this visit, it became noticeable to the officers that there was a few white young males hanging around outside of the shop. One of them came in and eagerly asked for the "small man", to be told that he was away. Then an older black male aged approx 45 came in and asked for the "small man", to be told he was away as well.

On leaving the shop, the group standing on the corner of Ordnance Road at the junction with Warwick Road (2 roads away) appeared to be drinking from white 440ml lager sized cans. As the officers were returning to their vehicle, a man of Mediterranean appearance in a pink mini pulled up and asked to speak to the officers. They had just passed him on the way out of the shop and they had noticed

him in his car peering into the shop. He introduced himself as the DPS, Mr Aydemir, and spoke without aggression in a nice manner to the officers about their inspection and the issues arising from it. As Mr Aydemir was introducing himself to the officers, the young white male in grey track pants and black trainers who had been in the shop earlier asking for the "small man", came up to this man and called him "small man" and asked to speak to him in what appeared to be an urgent and insistent manner. He hung around during Mr Aydemir's conversation with the officers, and he had walked across from the group of approximately six males drinking at the junction with Warwick Road. The officers observed that Mr Aydemir, known as the "small man" was in demand from a wide section of people on a Saturday night.

**19/10/2013** – Special Licensing Police Team visited premises at 1.32am: the shutters were down, no noise or light issues observed.

### **Planning Information:**

Planning permission was granted on 18th May 2007 under ref TP/07/0353 for retail use, but no specific conditions relating to hours. The application was in the name of Sezayl Aydemir of Anley Ltd.

### **Conclusion:**

The premises has a history of non compliance with licence conditions, and Conditions 8 and 15 have not been found to be compliant to date, despite four licence inspections (5/8/13, 21/8/13, 20/9/13, 5/10/13) and officer advice since August 2013.

More worryingly is the fact that there has been a recent underage sale of alcohol and the premises history shows that an underage sale was also established by Trading Standards in 2008. Conditions relating to the protection of children from harm licensing objective are on the premises licence, however Condition 9, which relates to training and refresher training has been found to be in breach on four occasions (25/7/13, 5/8/13, 21/8/13, 20/9/13). No attempt to address this problem was made even after the underage sale was made in July 2013. 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 actively present. 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.

The one mention of the DPS, Mr Aydemir, in this report is when he turns up to the premises on 5/10/13, although was not working. However, the report of this meeting of officers with Mr Aydemir link him to unusual activity, such as the customers loitering outside the premises.

The Director of Cilana Ltd, the named PLH, has never been seen at the premises either.

The report shows nine reports where the police and/or local residents are intimidated by customers of Sheelpa Express loitering outside the premises, where they cause anti-social behaviour, littering, and noise issues, and also allege of street drinking and drug smoking. There are suggestions of drug links to the premises. This is obviously of grave concern to both the police and the Council.

As a result of all of these reports, it is considered that Mr Aydemir is not suitable to hold the DPS position. The links with underage sales, the sale of non duty paid alcohol (2011) and anti-social behaviour is a significant history, and are not restricted to just late night problems: they happen regularly throughout the day. This makes the Local Authority so concerned that it deems it appropriate to revoke the licence in its entirety.

However, should the licensing committee be minded not to agree with this recommendation, and a vary DPS is considered, it should be noted that also have very little confidence in Mr Emrah Polat being in a management position, as he has been seen on the majority of officer visits, yet breaches have still been outstanding. Therefore he should be specifically named as not being permitted to become a DPS on this licence.

Again should the licensing committee not be minded to revoke the premises licence in its entirety, it is requested that the licensable hours be reduced so that residents would not be intimidated by customers hanging around the premises at a later hour. I therefore propose that the hours on the premises licence are reduced as follows:

| Activity            | Current Hours            | Recommended Hours        |
|---------------------|--------------------------|--------------------------|
| Opening             | Sunday 10:00 – 22:30     | Sunday 10:00 – 19:00     |
|                     | Mon to Sat 08:00 – 23:00 | Mon to Sat 08:00 – 19:00 |
| Alcohol (off sales) | Sunday 10:00 – 22:30     | Sunday 10:00 – 19:00     |
|                     | Mon to Sat 08:00 – 23:00 | Mon to Sat 08:00 – 19:00 |

In addition, should the licensing committee be minded not to revoke the premises licence, the following conditions are proposed to be modified or attached:

**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. A monitored alarm system to EU 50131 must be installed at the premises.
5. 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 should not be taken off the outside seating area 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.
6. 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 area quietly. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
7. All training shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request.

**Amend to:**

All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request.

8. 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 viewing till 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 and / or authorised officers of the council 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 and / or authorised officers of the council on request.
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. The premises shall 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) may be accepted.\*
11. 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.
12. At least two members of staff shall be present on the shop floor of the premises at all times.
13. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
14. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.  
**REMOVE if reduced hours agreed.**
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.
16. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.



17. 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.

18. 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:**

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.

**End of conditions**

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

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>  |          |
| <p><b>Reasons for Revocation</b><br/> <b>Sheelpa Express has a varied significant history of problems, most importantly underage sales of alcohol has been recently established, and the sale of non duty paid alcohol. Licence conditions have also found to be in breach despite advice, and also the persons linked to the premises attract undesirable customers to the area who loiter outside the shop and cause anti-social behaviour which is intimidating to local residents. The premises has had their chance following the earlier incidents as amended conditions to support all the licensing objectives were implemented. This is no longer enough. The premises itself and the management is ineffective, and the Licensing Authority have no confidence that matters will improve. Revocation is seen as the appropriate action in this instance.</b></p> |          |

**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** 22<sup>nd</sup> November 2013

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

**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)**

**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.

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

**Name and address of premises:** Sheelpa Express  
389 Ordnance Road  
Enfield  
EN3 6HN

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

**This document includes the details of all inspections carried out since 22<sup>nd</sup> November 2013: (i.e. the date the initial review application was submitted):**

**Friday 03/01/14 - 21:45** – Licensing Enforcement Officers (CT&AA) arrived at the premises and spoke to Mr Garip Gozukra, a worker. He contacted the DPS, Mr Sezayi Aydemir, who arrived within a few minutes. The Officers carried out a full licence inspection and all conditions were being complied with. The officers checked the refusal book and the last entry was on 30/12/13. The officers checked the training book and five people had received training including Mr Garip Gozukra. Staff training was due again on 25 January 2014. An Inspection Report was completed and a signed copy left at the premises. Left premises at 22:10.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: 0208 379 8543 or charlotte.palmer@enfield.gov.uk

Signed:



Date: 07/01/2014

LONDON BOROUGH OF ENFIELD LICENSING AUTHORITY  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005  
DECISION NOTICE



**LICENSING SUB-COMMITTEE – 15 JANUARY 2014**

Application was made by the **LICENSING AUTHORITY** for a review of the Premises Licence held by **CILANA LIMITED** at the premises known as and situated at **SHEELPA EXPRESS, 389 ORDNANCE ROAD, ENFIELD EN3**.

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives :

- (a) to modify the conditions of the licence; &**
- (b) to remove the designated premises supervisor.**

The condition modifications are as follows :

Existing condition (7) amended to read "All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request."

New condition (19) to read "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."

New condition (20) to read "No Beers/Ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed / sold or offered for sale from the premises."

New condition (21) to read "The premises will not sell any beer, larger or cider unless 3 or more bottles/cans are purchased together."

**Reasons:**

The Chairman made the following statement :

"The Licensing Sub-Committee is pleased to hear that the Responsible Authorities and Licence Holder have come to an agreement, such that the request to revoke the licence has been reduced to a request that the Licence Holder submit an application to vary the designated premises supervisor by Friday 24<sup>th</sup> January 2014.

In addition, all the new conditions are agreed and attached to the licence with effect from today.

By the agreement of all parties; the Premises Licence Holder is given one month to dispose of all existing stock of super strength alcohol products as defined in the newly agreed additional condition.

This is not a permission to continue selling super strength beer and cider until 15<sup>th</sup> February 2014; merely a permission to dispose of existing stock as of today's date."

**Information to the Occupier**  
 Notice of the powers to search premises and the rights of occupiers  
 Police and Criminal Evidence Act 1984 Codes of Practice

Address of Premises: SWELPA EXILES  
389 OLDMANNE ROAD GWS BVM  
 Type of Premises: SWEDMANGET  
 Occupier:

**POWER UNDER WHICH SEARCH MADE**

Warrant under ..... Act .....

Date granted ..... By .....

**STATUTORY POWER**  
 (These powers are summarised on the following pages)

Statutory Powers under 1994 ACT 1994  
MADE WRITTEN CONSENT

With the written consent of a person entitled to grant entry  
 (Only applicable if not under warrant or statutory powers)

**I HEREBY CONSENT TO OFFICERS OF THE LONDON  
 BOROUGH OF ENFIELD SEARCHING THE ABOVE NAMED  
 PREMISES**

Signature: [Signature]

Name (Capitals): Cem Koca

Status relative to premises: Shop Working

**OFFICER IN CHARGE OF SEARCH**

Name: KATE SCHULZ

Position: PAVE TRAINING OFFICER  
 of London Borough of Enfield Regulatory Service  
 PO Box 57, Civic Centre, Silver Street, Enfield EN1 3XH

Date: 9/12/2014 Time of Search: 14:18  
 Start: 14:18 Finish: 14:40

**SUMMARY OF POWERS OF SEARCH**

THE OCCUPIER SHOULD KEEP THIS COMPLETED FORM IN A SAFE PLACE IN CASE IT IS NEEDED FOR FUTURE REFERENCE.

THE STATUTORY POWERS TO SEARCH PREMISES AND THE RIGHTS OF OCCUPIERS VARY DEPENDING UPON THE STATUTE BEING ENFORCED. THE FOLLOWING IS THE SUMMARY OF THE GENERAL POWERS, BUT FULL DETAILS OF SPECIFIC POWERS WILL BE SUPPLIED ON REQUEST.

An officer may for the purpose of ascertaining whether an offence has been committed, enter premises (other than those solely as a dwelling) and inspect goods.

If there is reasonable cause to suspect that an offence has been committed, an Officer may require the production of books and documents relating to the trade or business and may take copies of, or an entry in, any such document.

If there is reasonable cause to suspect that an offence has been committed, an Officer may seize and detain any goods for the purpose of ascertaining whether an offence has been committed.

An Officer may seize and detain any goods or documents that there is reason to believe may be required as evidence in proceedings for an offence.

In certain circumstances an Officer may require any person with authority to do so to break open any container or vending machine and if that person does not comply, the Officer may do so.

For the purpose of ascertaining whether there has been any contravention of a safety provision, an Officer may examine any procedure (including testing arrangements) connected with the production of the goods.

Officers are not required to caution persons prior to putting questions to them solely for the purpose of furthering the proper and effective conduct of a search.

**APPENDIX 4**

**RIGHTS OF THE OCCUPIER**

The occupier has the right to demand the production of the officers credentials.

All information relating to manufacturing process or trade secrets will be treated as confidential.

No item may be seized which is subject to legal privilege unless it is inextricably linked to material seized under 'seize and sift' powers. No item will be retained if a copy or photograph would suffice.

The person who has custody or control of the goods immediately prior to seizure will be provided on request a list or description of the property within a reasonable time.

If goods or documents are seized the Officer shall inform the person from whom they were seized. That person or a representative will be allowed supervised access to the property to examine it, photograph or photocopy it, unless the Officer in charge has reasonable grounds for believing that this would prejudice the investigation of any offence.

Compensation may be payable in appropriate cases for damage caused in entering or searching the premises. In certain circumstances compensation may also be paid for losses incurred by virtue of seizure, loss, damage or deterioration of goods. Any claim should be made in writing and sent to the address below:

Head of Regulatory Services  
 London Borough of Enfield  
 PO Box 57  
 Civic Centre  
 Silver Street  
 Enfield EN1 3XH

**POLICE AND CRIMINAL EVIDENCE ACT 1984  
 CODES OF PRACTICE**

A copy of the "Code of Practice for the Searching of Premises" - Code B, is available for you to consult at any Police Station, at the offices of the Commercial Standards Service and in main public libraries. This notice is a summary only of the provisions of the Code which should be consulted if you require further details.

**TRANSLATIONS**

You can obtain a free translation of this notice by sending a copy of it to the above address and stating which language you would like it translated into.

APPENDIX 5  
214043009

# INSPECTION REPORT

Name: SHREYA EXPRESS

Address: 389 ORPINGTON ROAD  
EN3 6HN

Trading Standards  
8 Block North  
Civic Centre  
Silver Street  
Enfield  
EN1 3XA

trading.standards@enfield.gov.uk  
Contact Centre: 020 8379 1000

Business Email: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

During an inspection of your premises on 9TH DECEMBER 2014, the following areas were checked/examined:

- Fair Trading
- Hallmarking
- Consumer Safety
- Explosives Storage
- Weights & Measures
- Pricing
- Other (specify)

(a) The following matters were found to be incorrect/non-compliant:  
 (b) You are advised the following matters are best practice to ensure compliance:

\* From shop floor - 17x Marlboro Gold (Polish) + 1x 50g Golden Virginia taken from drawer between tills - Duty Diverted

\* Code B notice given

\* No counterfeit alcohol found

(a) You are required to have the above matters attended to within ..... days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

Authorising Officer: G HEALWE Direct dial: 020 8379 8590

Signature: [Signature]

Received by Signature: [Signature] Position: SECRETARY

Print Name: SEMI ANDREW



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

**Name and address of premises:** Sheelpa Express  
389 Ordnance Road  
Enfield  
EN3 6HN

**Type of Application:** Review

**Worksheet number:** WK/214084625

**The Application**

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

**Location**

This premises is situated within a busy high road made up of both commercial and residential properties.

**History**

I have researched Police crime and intelligence systems over the last twelve months regarding this premise with a negative result.

**Cumulative Impact Policy**

London Borough of Enfield

This premise is not within one of Enfield Boroughs Cumulative Impact Policy areas.

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

- Prevention of crime & disorder

The Metropolitan Police wish to support this application on the following grounds;

A review to revoke the licence was submitted in 2013 following a further underage alcohol sale, several licence breaches and links to anti-social behaviour.

The last licence review was heard in January 2014. The details of the previous review are pertinent relevant to this case as the Premises Licence Holder is one and the same.

**8<sup>th</sup> October 2014** – Trading Standards received an allegation that the premises sell illegal cigarettes.

**9<sup>th</sup> December 2014** - A multi-agency inspection (involving a brand representative, HMRC, Trading Standards and tobacco detection dogs) was carried out at the premises. 17 packets of non-duty paid cigarettes (20 per pack) and 18 x 50g of non-duty paid rolling tobacco were seized by HMRC.

The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings to be displayed on the packets was 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 - knowingly keeping or allowing to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

**7<sup>th</sup> January 2015** - 10:15 - 10:37 - Full licence inspection carried out (CPX) Condition 7 (14) Footage on CCTV stored for 30 days instead of 31 days. Went back to 09.12.14. Condition 14 - Reminded to carry personal licence card when working. Advised premises licence holder that review will be submitted due to non-duty paid products being found.

**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 tobacco 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.

This premise has a significant history of transgressions, resulting in two licence reviews and being given the opportunity to voluntarily submit a minor variation to strengthen their licence conditions.

Having had further non duty paid products seized from the premises despite having all the relevant conditions attached to the licence, Police have no confidence in those persons responsible for the running of these premises.



Police therefore support the LBE Licensing Authority in recommending that this premises licence be revoked.

The Secretary of State believes that the sale of smuggled tobacco 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 support Enfield licensing authority in seeking the total revocation of this premises licence.

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Date: 5<sup>th</sup> February 2014