

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
3 February 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part

Item

SUBJECT :
Application to vary a premises licence

PREMISES :
Akdeniz Supermarket (Enfield) Ltd, 463-465
Hertford Road, ENFIELD, EN3 5UT.

WARD :
Enfield Highway

1.0 LICENSING HISTORY

- 1.1. The premises licence (LN/201300974) for Akdeniz Supermarket (Enfield) Ltd was issued on 14/2/2014 naming Mr Erdal Aktas as Premises Licence Holder and Mr Mustafa Simsek as DPS. The application was not subject to any representations, and was granted by officers in accordance with delegated powers.
- 1.2. On 8/12/15, a transfer and vary DPS application was granted, naming Mr Musa Aktas as the Premises Licence Holder and DPS. The application was not subject to any representations, and was granted by officers in accordance with delegated powers.
- 1.3. Companies House records (22/1/16) shows that the current Director of Akdeniz Supermarket (Enfield) Ltd is also Mr Musa Aktas, appointed on 1 July 2015.
- 1.4. The premises was previously named Farm Food Centre and Kizilirmak Food Centre, and a premises licence was held between 1/4/08 and 21/12/10 when the licence was surrendered.

2.0 CURRENT POSITION:

2.1 The current Premises Licence permits:

- 2.1.1 Hours the premises are open to the public: 08:00 to 23:00 daily
- 2.1.2 Supply of alcohol (off supplies only): 08:00 to 23:00 daily

2.2 A copy of a location map of the premises is attached as Annex 01.

2.3 A copy of the current Premises Licence is attached as Annex 02.

3.0 THIS APPLICATION:

- 3.1 Application is made by Mr Musa Aktas for a variation of Premises Licence LN/201300974. The application seeks:**
 - 3.1.1 Hours the premises are open to the public: 24 hours daily.**
 - 3.1.2 Supply of alcohol (off supplies only): 08:00 to 02:00 daily.**
- 3.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.**
- 3.3 Each of the Responsible Authorities were consulted in respect of the application.**
- 3.4 A copy of the application is attached as Annex 03.**

4.0 RELEVANT REPRESENTATIONS :

- 4.1 Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services): Representation is made on the grounds of the prevention of public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the CIP core hours to be granted and for the parts of the application variation that are outside the CIP core hours to be refused.**
- 4.2 A copy of the representation is attached as Annex 04.**

5.0 PROPOSED LICENCE CONDITIONS

- 5.1 No additional conditions are sought in relation to this application by the applicant or Licensing Authority.**

6.0 RELEVANT LAW, GUIDANCE & POLICIES :

- 6.1 The paragraphs below are extracted from either:**
 - 6.1.1 the Licensing Act 2003 ('Act'); or**
 - 6.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or**
 - 6.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').**

General Principles:

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].**

- 6.3 The licensing objectives are:
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4(2)].

- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 6.4.1 the Council's licensing policy statement; &
 - 6.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Cumulative Impact Policy:

- 6.5 The applicant premises/club premises is located in the Enfield Highway Cumulative Impact Policy Area [Pol s.9.22/23].
- 6.6 The application is for a variation of a premises licence [Pol s.9.22/23].
- 6.7 The application is subject to a relevant representation [Pol s.9.22/23].
- 6.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.22/23].
- 6.9 The Core Hours for this application are:
 - 6.9.1 Sale/supply of alcohol (off supplies only): Monday to Sunday Indoors and/or outdoors 08:00 to 00:00 [Pol s.9.24.1]:
- 6.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.23].
- 6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.35].

Hours:

- 6.12 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].

- 6.13** Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].

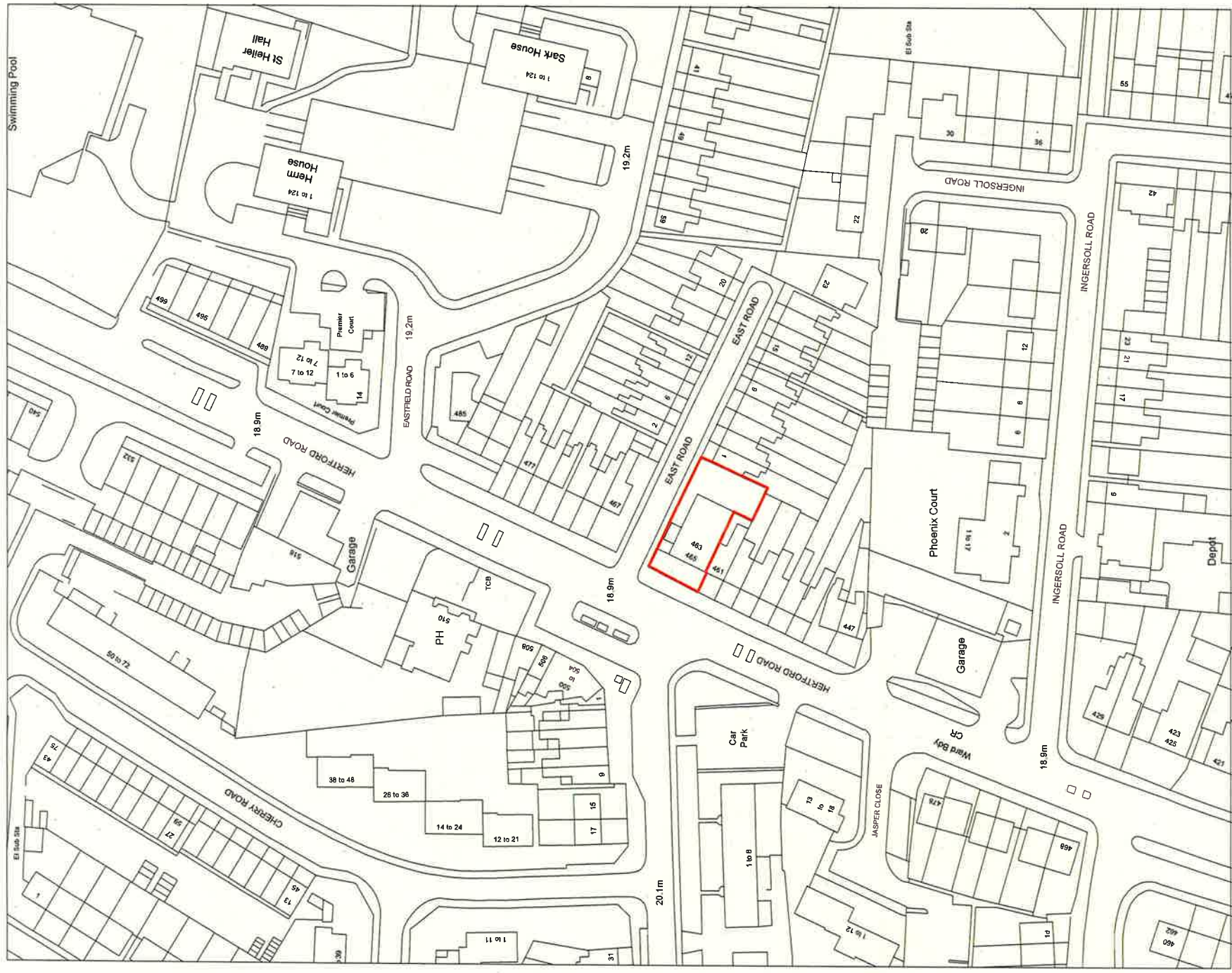
Decision :

- 6.14** As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. [Guid 9.36].
- 6.15** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 6.15.1** the steps that are appropriate to promote the licensing objectives;
 - 6.15.2** the representations (including supporting information) presented by all the parties;
 - 6.15.3** the guidance; and
 - 6.15.4** its own statement of licensing policy [Guid 9.37].
- 6.16** Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.16.1** to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.16.2** to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.16.3** to refuse to specify a person in the licence as the premises supervisor;
 - 6.16.4** to reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 8379 8543

Annex 01



Akdeniz Supermarket (Enfield) Ltd, 463-465 Hertford Road, ENFIELD, EN3 5UT

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



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Dwg.No. 6800AP
Scale 1:1250
Date 20 Jan.2016

Licensing Act 2003**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201300974**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Akdeniz Supermarket (Enfield) Ltd**

Telephone number : **Not provided**

Address : **463-465 Hertford Road ENFIELD EN3 5UT**

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 :	08:00 - 23:00
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 :	08:00 - 23:00
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 :	Mr Musa Aktas
Telephone number :	Not provided
e-mail :	Not provided
Address :	25 Cheshire Close, Walthamstow, London, E17 4LZ

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 Musa Aktas
Telephone number :	Not provided
e-mail :	Not provided
Address :	25 Cheshire Close, Walthamstow, London, E17 4LZ

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 :	Z01N17139F/1
Issuing Authority :	London Borough of Waltham Forest

Premises Licence LN/201300974 was first granted on 14 February 2014.

Signed :



Date : 8th December 2015

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

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. 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.**
- 2. 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.**
- 3. All staff shall be trained for underage sales prevention regularly.**
- 4. 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.**
- 5. 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) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.**
- 6. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the**

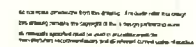
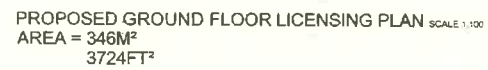
premises is in a 'Drinking Control Area' and that alcohol should not be should not be taken off the outside seating area and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

7. 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.
8. All training relating to the sale of alcohol and times and conditions of the licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
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. There shall be no deliveries made to or from the premises between the hours of 21:00 and 07:00.
11. All refuse shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse outside between 21:00 and 07:00.
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 the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.
14. Should the premises remain open for non-licensable activities, customers shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.

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

Not applicable



















Annex 4 – Plans



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A	26 11 10	2200000 to 2200000 (21) and 2200000
R	05 12 10	2200000 to 2200000 (21) and 2200000

- Area for licensable activities

KEY TO LAYOUT

- | | |
|---|---|
|  | F203 Fire Door with self-closing device |
|  | F205 Fire Door with self-closing device |
|  | Fire Rating |
|  | Water Extinguisher |
|  | F205 Fire Door with self-closing device |
|  | F203 Fire Door with self-closing device |
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Annex 1 – Mandatory Conditions

**Mandatory conditions where the licence authorises the sale of alcohol
(Note: Conditions 4, 5, and 7 relate to on-sales only)**

These Mandatory Conditions form part of the Operating Schedule of your licence. You must ensure that the operation of the licensed premises complies with these Mandatory Conditions, as well as the Conditions stated in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must 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
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol 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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) 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.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

(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.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above 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.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above 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.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 03

25064125

£190.00

4533208859 AP

Application to vary a premises licence 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/We **Mr Musa Aktas** (Interim Licence Holder)

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
LN/201300974

Part 1 – Premises Details

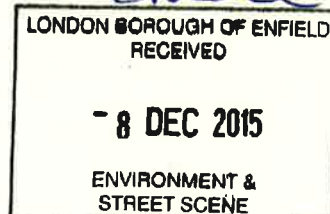
Postal address of premises or, if none, ordnance survey map reference or description
Akdeniz Supermarket (Enfield Ltd)
463-465 Hertford Road
Enfield

Post town	London	Post code	EN3 5UT
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Telephone number at premises (if any)	
Non-domestic rateable value of premises	£50,500

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	25 Cheshire Close
Post Town	London
Postcode	E17 4LZ



Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
Extension of hours for the supply of Alcohol off premise

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Mon	08:00	02:00			
Tue	08:00	02:00			
Wed	08:00	02:00			
Thur	08:00	02:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		
Fri	08:00	02:00			
Sat	08:00	02:00			
Sun	08:00	02:00			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NONE
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 NONE

Please tick yes

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Premises Licence has not been issued yet. There is an application for transfer and appointment of new DPS.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We believe the current conditions are sufficient enough to promote the four licensing objectives, but are willing to consider any suggestions by the relevant authorities

b) The prevention of crime and disorder

see above

c) Public safety

see above

d) The prevention of public nuisance

see above

e) The protection of children from harm

see above


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	3 rd December 2015
Capacity	Licensing agent

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Narts Licensing team
53 Stoke Newington High Street

Post town	London	Post code	N16 8EL
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Telephone number (if any)	020 3745 6500
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If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing@narts.org.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Background History:

Name and address of premises: Akdeniz Supermarket (Enfield) Ltd
463-465 Hertford Road
Enfield
EN3 5UT

Type of Application: Variation - Premises Licence

I certify that I have considered the application shown above and I **wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This is a variation application to provide the following activities:

Activity	Current Hours	Applied for Hours
Open	08:00 – 23:00 everyday	08:00 – 02:00 everyday
Alcohol (off sales)	08:00 – 23:00 everyday	08:00 – 02:00 everyday

History:

The current licence for this premises was granted in February 2014. The licence was transferred to the current licence holder earlier this month (December 2015). The DPS was also varied at that time.

26/10/15 – The Licensing Enforcement Team received a complaint from a local resident alleging that the premises has deliveries 2-3 times a week at 03:30 - 04:30 and waste collections at 05:30 - 05:45 and that they are affected by the noise from these. This is an alleged breach of the following conditions which are attached to the current licence:

Condition 10. There shall be no deliveries made to or from the premises between the hours of 21:00 and 07:00.

Condition 11. All refuse shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse outside between 21:00 and 07:00.

Breaching conditions of a Premises Licence is a criminal offence under the Licensing Act 2003 and each offence could result in a maximum fine of £20,000 and or six months imprisonment. Substantiated complaints can also lead to a review of the premises licence.

27/10/15 – An officer contacted the premises and advised them of the complaint. The DPS confirmed that deliveries were taking place but stated that they were fruit and vegetables not alcohol so he didn't think the conditions applied.

28/10/15 - Phone call from complainant who said they were woken at 04:10 in the morning by a delivery of water.

13/11/15 – 22.05 - Out of Hours Licensing Enforcement Officers visited the premises but the premises licence holder was not available. They spoke to a member of staff on the checkout who called a person called Mr Musa. The officers advised him that a further complaint had been received regarding deliveries/collections outside permitted hours. They also advised him that a member of staff at the premises was using a band saw without the guard in place and how dangerous this was.

17/11/15 – An officer received a phone call from a licensing agent on behalf of the premises. He advised that he had spoken to his client and the premises is still owned by the same people but that they have new managers. They have arranged for the supply of flour to take place after 9am and waste collection to be after 9am. He went on to say that milk and fruit and vegetables are delivered between 01:00 - 03:00 by car. When asked who was delivering milk in a car he said it was actually probably a van but that they were parking at the front of the premises not in the residential road to the side of the premises. He went on to say that other nearby premises have deliveries in much bigger vehicles and they are prevented from doing this. The officer advised him that this had been an issue years ago with this particular premises and they had managed to alter all of their delivery times to comply with the condition and that they had checked with the council's legal team and had been advised that the conditions apply whether or not they are delivering alcohol. The agent suggested submitting a licence variation to remove the conditions but was advised that the current breaching of them was leading to noise complaints so there would be objections.

18/11/15 – The officer phoned the complainant who said that the deliveries and collections that were causing the noise issues had stopped and they were happy for the complaint to be closed. The officer advised the agent of this and they advised that they were going to submit a transfer, vary DPS application and a variation to alter the conditions slightly.

The transfer and vary DPS applications were submitted but this variation application is to increase the licensed hours not to amend the conditions.

Location:

This premises is located on the corner of the Hertford Road and a residential road. There are residential properties adjoining the premises on one side. There are also residential premises opposite the premises and in nearby side streets.

Cumulative Impact Policy (CIP):

This premises is located in a Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications. 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 – 00:00

The hours applied for in this application exceed those specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

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

This application is for a significant increase in the licensed hours compared to the current licence. Ambient background noise levels are reduced during the early hours of the morning. If the premises were permitting to sell alcohol until 02:00 it could lead to increased noise and disturbance to the surrounding area and could be detrimental to the residential amenities and quality of life for residents.

In summary I wish to make representation on the following:

- **Prevention of Public Nuisance**

Given the close proximity to local residents, the fact that this premises is located within a CIP area and they have previously failed to comply with the conditions attached to their current licence leading to noise complaints I object to the hours applied for and instead recommend alternative hours in line with CIP:

Activity	Current Hours	Applied for Hours	Recommended Hours
Open	08:00 – 23:00 everyday	08:00 – 02:00 everyday	08:00 – 00:00 everyday
Alcohol (off sales)	08:00 – 23:00 everyday	08:00 – 02:00 everyday	08:00 – 00:00 everyday

I have considered the conditions attached to the current licence and have no amendments to suggest at this time.

I reserve the right to provide further information to support this representation.

If these amended times were accepted in full I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 29/12/2015