MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE:

Licensing Sub-Committee 16 March 2016

REPORT OF :

Principal Licensing Officer

LEGISLATION: Licensing Act 2003 Agenda - Part

Item

SUBJECT:

Application to vary a premises licence

PREMISES:

Oncu Food Centre, 418-426 Hertford Road, LONDON, N9 8AA.

WARD: Jubilee

1.0 LICENSING HISTORY

- 1.1. On 19 November 2013, Premises Licence LN/201300697 was granted, naming Mr Ugur Tekagac as Premises Licence Holder and Designated Premises Supervisor (DPS). The application was not subject to any representations, and was granted by officers in accordance with delegated powers.
- 1.2. On 3 June 2014, a variation application was made seeking 24 hours for the sale of alcohol. This application was subject to representations from the Licensing Authority due to the premises being situated in a Cumulative Impact Policy Area. Mr Tekagac subsequently amended the application in line with the core CIP hours, then 11pm latest for the sale of alcohol, and the licence was granted on 22 July 2014.
- 1.3. On 27 May 2015, a variation application was submitted due to the changes of the plan. However, as the extension was significant, a full new premises licence application was required, and this variation application was withdrawn.
- 1.4. As a result of this, a new premises licence application was submitted on 22 June 2015. The premises licence (LN/201500371) for Oncu Food Centre, 418-426 Hertford Road, LONDON, N9 8AA was issued on 20 July 2015 naming Mr Ugur Tekagac as Premises Licence Holder and DPS. The application was not subject to any representations, and was granted by officers in accordance with delegated powers.

2.0 **CURRENT POSITION:**

- 2.1 The current Premises Licence permits:
- 2.1.1 Hours the premises are open to the public: 24 hours daily
- 2.1.2 Supply of alcohol (off supplies only): 08:00 to 00:00 (midnight) 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 Ugur Tekagac 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): 24 hours daily.
- The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.3 Each of the Responsible Authorities was consulted in respect of the application.
- 3.4 A copy of the application is attached as Annex 03.

4.0 RELEVANT REPRESENTATIONS:

- 4.1 Metropolitan Police: Representation is made on the grounds of the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. The Police consider that it is appropriate, for the promotion of the licensing objectives, to object to the application.
- 4.2 A copy of the representation is attached as Annex 04.
- 4.3 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 and prevention of crime and disorder. The authority considers that it is appropriate, for the promotion of the licensing objectives, to object to the application.
- 4.4 A copy of the representation is attached as Annex 05.

5.0 PROPOSED LICENCE CONDITIONS

- 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 Edmonton 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 relevant representations [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]:
- The Council's policy is that this application (which is <u>outside</u> 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].
- 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].

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:

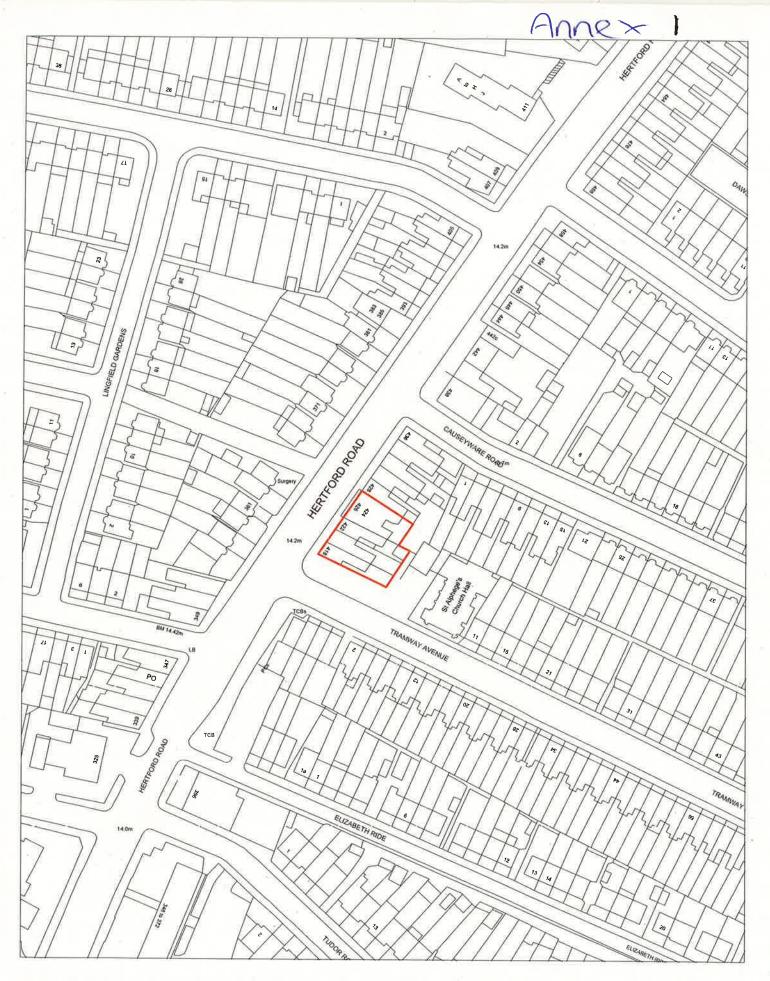
- As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other 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].
- 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



Oncu Food Centre, 418-426 Hertford Road, LONDON, N9 8AA

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





Drg.No. 6800DX

Scale 1:1250 Date 04/03/2016



Licensing Act 2003

PART A - PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500371

Part 1 - Premises Details

Postal address of premises:

Premises name: Oncu Food Centre

Telephone number : 07852 105778

Address: 418-426 Hertford Road LONDON N9 8AA

Where the licence is time-limited, the

dates:

Not time limited

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

(1) Open to the Public - Whole premises

Sunday:

00:00 - 00:00

Monday: Tuesday: 00:00 - 00:00

Wednesday:

00:00 - 00:00 00:00 - 00:00

Thursday:

00:00 - 00:00

Friday:

00:00 - 00:00

Saturday:

00:00 - 00:00

(2) Supply of Alcohol - Off supplies

Sunday:

08:00 - 00:00

Monday:

08:00 - 00:00

Tuesday:

08:00 - 00:00

Wednesday:

08:00 - 00:00

Thursday :

08:00 - 00:00

Friday:

08:00 - 00:00

Saturday:

08:00 - 00:00

Part 2

Name and (registered) address of holder of premises licence : Name: Mr Ugur Tekagac Telephone number: | Not provided e-mail: | cohanzedek@hotmail.co.uk Address: 107 Tudor Road, LONDON, N9 8PA Registered number of holder (where Not applicable 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 Ugur Tekagac Telephone number : | Not provided e-mail: | cohanzedek@hotmail.co.uk Address: 107 Tudor Road, LONDON, N9 8PA 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 : KE-PE1356 Issuing Authority : | Canterbury City Council Premises Licence LN/201500371 was first granted on 20 July 2015. Signed: Date: 13th November 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

- 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.

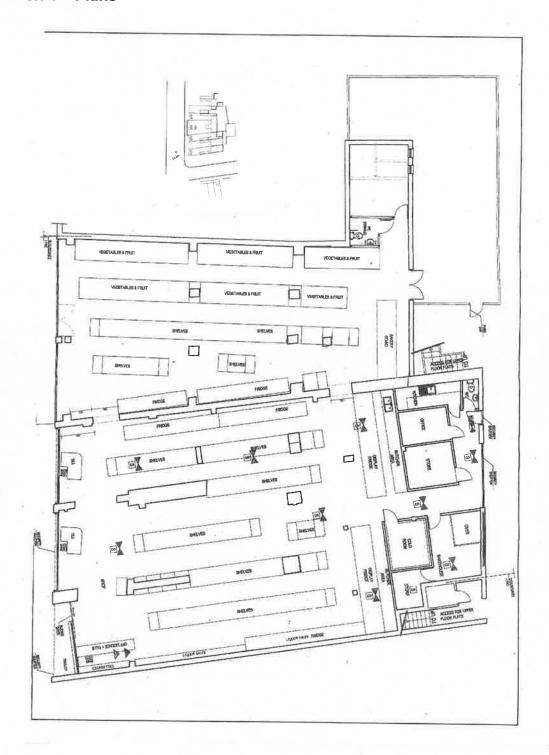
Annex 2 - Conditions consistent with the Operating Schedule

- 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. 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.
- 5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 6. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
- 7. 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.
- 8. 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.
- 9. All alcohol shall either be removed from display to customers outside of the designated hours for the supply of alcohol or be kept in display units that can be secured in a manner whereby potential customers cannot have access to the contents.
- 10. Deliveries shall not be made to 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. Refuse containers shall not be emptied between 21:00 and 08:00.
- 12. A digital CCTV system must be installed in the premises complying with the following criteria:

- (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
- (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- (4). Provide a linked record of the date, time, and place of any image.
- (5). Provide good quality images.
- (6). Operate under existing light levels within and outside the premises.
- (7). Have the recording device located in a secure area or locked cabinet.
- (8). Have a monitor to review images and recorded picture quality.
- (9). Be regularly maintained to ensure continuous quality of image capture and retention.
- (10). Have signage displayed in the customer area to advise that CCTV is in operation.
- (11). Digital images must be kept for 28 days.
- (12). Police or authorised local authority employees will have access to images at any reasonable time.
- (13). 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. Immediate copies must be made available to Police or authorised local authority employees on request.

Annex 3 - Conditions attached after a hearing

Not applicable



Annex 3

Dear Licensing authorities,

12/01/2016

I Like to make Variation application for 418-426 Hertford Road,N9 8AA(Oncu Food Centre) to extending hours for sale alcohol of the premisses(24) Hour's.Information I get from responsible authorities There is on restriction are,But Smiller premises at 196 Hertford Road N9 7HH (Sirwan Food Centre) had 24 hour's in 2015.I like to get simmiler hour's for our Premisses,We are open to public 24 hour's allready.Please check enclose copy of licence Those premises and accept our application with same condition's.Many Thanks for your co-operation.

Kindly Regards,

Autim

Cohan Zedek(Agent)

07852105778

RE: Amended information for Premise Licence Variation Application: Oncu Food Centre, 418-426 Hertford Road, N9 8AA

My name is Ugur Tekagac, I am currently the premise licence holder at address; Oncu Food Centre, 418-426 Hertford Road, N9 8AA. Premise Licence Number: LN/201300697 LN/20150037

I am applying to extend the sale of alcohol consumption OFF the premise, in order to make full use of the night time economy.

This is due to having financial difficulties; I am disbursing the following;

• Rent: £70,000 Annual

• Rates: £41,000 Annual

• Roughly employers payment are £5,000 -£6,000 a week. (20 workers: 2 shifts-17 morning shift and 3 night shift)

Having many other expenses spent on the premise, I am struggling to commit my payments. Therefore I have now decided to apply to extent the sale of alcohol, in the hope that it may make a difference to the weekly intake.

I know that some premises close to my premise i.e. the Patrol Station, has the licence to sell alcohol off the premise 24 hours. This encourages me, as I may have a chance to get licence for my premise.

I am aware of the premise lying in the Cumulative Impact Policy Area however; I have had no bad experience since running my business. I can reassure that the premise will be running smoothly as before.

Your Sincerely,

Ugur Tekagac





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 LIGUR TEKAGAG

(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/201500371

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

ONCÜ FOOD CENTRE

418-426 HERTFORD ROAD

EDMONTON

Post town LUNDON Postcode N9 8AA

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 53-800

Part 2 – Applicant details

Daytime cont telephone nur		078:	521057	7-S			
E-mail addres	ss (optional)	cohe	an zedel	-a ho-	tmail, co	. ick	
Current postal address if different from premises address		3A			ROAD		H
				a	,		
Post town	LONDON		LONDON B	opougu or	Postcode	N9	957

Post town LONDON LONDON ROSQUIGH OF POSTCOde N9 957

1 3 JAN 2016

ENVIRONMENT & STREET SCENE

Relisas diceas

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?	No
If not, from what date do you want the variation to take effect?	O MM YYYY
Please describe briefly the nature of the proposed variation (Please see guidanc	e note 1)
Extending hours for sale Alcohol fr	MO
24:00 am to 00:00 hours daily	
Shop allready open 24 hour's douby. existing sale alcohol hour's 08:00 to	
existing sale alcohol hours 08:00 to	24,00 am
proposed hours requesting for sale of al	
premisses:	
00:00 daily (zy hour's daily)	
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.

Prov	rision of regulated entertainment	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Prov	ision of late night refreshment (if ticking yes, fill in box I)	
<u>Sale</u>	by retail of alcohol (if ticking yes, fill in box J)	⊠
In al	l cases complete boxes K, L and M	

Supply of alcohol Standard days and timings (please read guidance note		timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
(picase 6)	read guida	nee note	5	Off the premises	'⊠'
Day	Start	Finish		Both	
Mon	00:00	00:00	State any seasonal variations for the supply of alcohomic guidance note 4)	ol (please read	
Tue	00:00	æ:00			
Wed	00:00	00:00			
Thur	00:00	00:00	Non-standard timings. Where you intend to use the supply of alcohol at different times to those listed in left, please list (please read guidance note 5)		
Fri	00:00	<u>00:'00</u>	N/A		
Sat	00:00	00:00			
Sun	00:00	00:00			

K

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).

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) N/A
Day	Start	Finish	
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	A0:00	Non standard timings. Where you intend the premises to be open to the
Thur	00:00	p0:00	public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

Please identify those condition consequence of the proposed	ons currently imposed on the licence which you believe could be removed as a l variation you are seeking.

• I have enclosed the relevant part of the premises licence	2
If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of below	it
Reasons why I have not enclosed the premises licence or relevant part of premises licence.	

I have enclosed the premises licence

¥

M Describe the steps you intend to take to promote the four licensing objectives:

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

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents steell times.

b) The prevention of crime and disorder

CCTU all reddy installed, operate and maintaine in agreement with the police. The system is enable a frontal Hesdand shoulders image of every person entering the premises. 24/7
The recordings shall be kept available for a minimum 31 days
Recordings shall be made available to any Authorised officer
or police officer within 24 hours of any request.

c) Public safety

Appropriate fire safety procedures are in place along with applicances inculading fire extinguishers (four H20 and cor), Fire blanket, internally illuminated fire exit signs, a smoke dedector and, emergency lighting. All appliances are checked annually and comply with relevant British standards.

d) The prevention of public nuisance

by the premises will be dealt All wate generated with appropriately.

e) The protection of children from harm

- 1) The premises are effectively and responsibly managed.
 2) provision of a sufficient number of people employed or engaged.
- 3) Appropriate instruction, fraining and supervision of those employed or engaged.
- 4) Follow challenge 25, Polley.

Checklist:		
	Please tick to indicate ag	
	or enclosed payment of the fee.	1
 I have sent of applicable. 	copies of this application and the plan to responsible authorities and others where	U
• I understand	that I must now advertise my application.	
	sed the premises licence or relevant part of it or explanation.	·
 I understand rejected. 	I that if I do not comply with the above requirements my application will be	4
LEVEL 5 ON TH TO MAKE A FA	NCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEED IT IS STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACLISE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION OF THE SECTION OF THE SECTION OF THE SECTION OF T	T 2003
Part 5 – Signatur	res (please read guidance note 10)	
Signature of appl authorised agent what capacity.	licant (the current premises licence holder) or applicant's solicitor or other d (please read guidance note 11). If signing on behalf of the applicant, please st	luly ate in
Signature	10 Min	
Date	12/01/2016	
Capacity	AGENT	
holder) or 2nd ap	ses licence is jointly held, signature of 2nd applicant (the current premises licent's solicitor or other authorised agent (please read guidance note 12). It of the applicant, please state in what capacity.	cence f
Signature		
Date		
Capacity		
application (pleas	here not previously given) and address for correspondence associated with the read guidance note 13) cohon Zedek	his
20 ch	sold howe, Lordship Road	
Post town	ondon Post code N160	PS
Telephone number		

Telephone number (if any)

0785210 5778

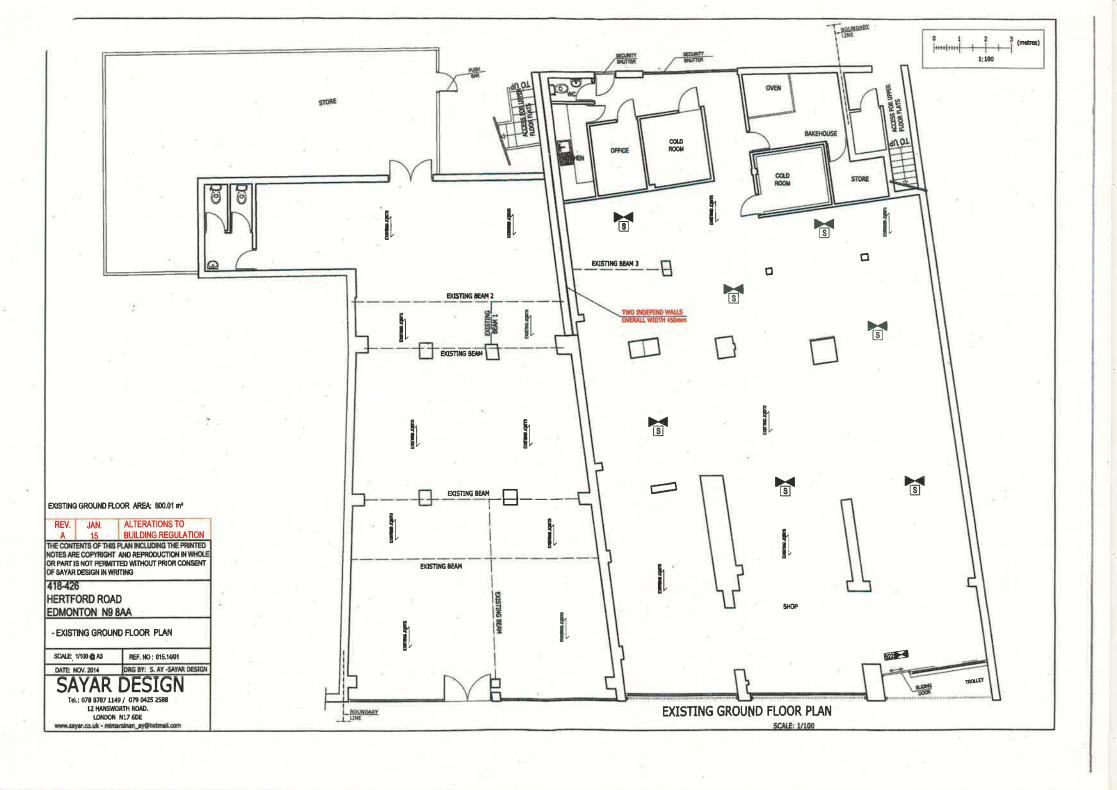
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

cohanzedek Dhotmail. cosuk

and any premises licen- by	ce to be granted or	varied in respec	of this applica	ation made
[name of applicant]	GAG			•••••••••••••••••••••••••••••••••••••••
concerning the supply o	f alcohol at			
ÖNCÜ FOOD	CENTRE			
418-426 HER	TFORD ROA	٥		
LONDON				
N9 8AA		2		
[name and address of premis	ses to which application	relates]		***************************************
I also confirm that I am licence, details of which		d to apply for or	currently hold	a personal
Personal licence numbe	r = ==			
KE-PEL!	3.5.6 er, if any]			
Personal licence issuing	authority			
CANTERBUI	2PY CLTY I telephone number of p	Council ersonal licence issu	ing authority, if any	d
	auri			
Signed	Cus)			
Name (please print)	LIGUR	TEKAGAG		
Date	12/01/201	6		

Consent of individual to being specified as premises supervisor

LIGUR TEKAGAG
1
[full name of prospective premises supervisor]
of 3A SUNNY SIDE ROAD,
South
LONDON
N9 95T
[home address of prospective premises supervisor]
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for
VARIATION OF PREMISSES LICENCE [type of application]
by
MGUR TEKAGAG [name of applicant]
relating to a premises licence $LN/201500371$ [number of existing licence, if any]
FOR ONCU FOOD CENTRE
418-426 HERTFORD ROAD
LONDON
W9 8AA
[name and address of premises to which the application relates]





Working together for a safer London

TERRITORIAL POLICING

Civic Centre Silver Street Enfield EN1 3XA

Date 09.02.16

London CRIMESTOPPERS 0800 555 111

Uniting against crime

METROPOLITAN POLICE SERVICE

Licensing Team
Enfield Borough Police
462 Fore Street
Edmonton
Middlesex

Office: 0208 345 4565

Mobile : Facsimile :

Dear Sir or Madam

In relation to the premises licence application WK/215071927 at Oncu Food Centre 418-426 Hertford Road, LONDON, N9 8AA. The Police would like to object on grounds of crime and disorder, public safety, protection of children from harm and public nuisance.

This venue is currently a supermarket on a main road in a mainly residential area. It is currently already licensed to sell alcohol off premises up to midnight everyday although the store is open 24 hours a day.

This application to vary the licence is for a change in the hours to sell alcohol off premises 24 hours a day. This venue currently sits within an area that has previously been assessed as being at risk of harm from licensable activity.

In order to reduce that risk and promote the four licensing objectives the area was brought under the protection of the Cumulative Impact Policy (CIP). This restricts certain licensable activity at certain times for new applications and is considered at any review hearings and variations (in a sense granting Grand Father rights to all licenses acquired prior to this policy being adopted). This is part of Enfield Councils Licensing Policy and is found at Section 9 of that document.

The CIP was introduced at different places in the Borough where the council consulted with the Police and identified areas at most risk and this is evidenced in their licensing policy. The CIP allows for the presumption that applications made inside the CIP area for hours outside of this policy will be refused. This is unless the applicant can adequately demonstrate that by doing so will not impact upon the four licensing objectives.

The Operating schedule and subsequent letter attached to the application does not in the opinion of the Police go far enough to demonstrate this.

In parts the operating schedule is vague, such as on page 16 in part A. There is no explanation of what these steps will be or whether the applicant is aware of the extra risk. He has not consulted with the local policing team, nor myself, prior to making this application to identify what these risks may be and any measures or steps that could be taken to reduce this risk. In fact no new measures have been suggested.

The operating schedule includes measures that are already licence conditions or are things required by law and worryingly some of these conditions have been found to have been breached previously. An increase in hours for the sale of alcohol increases this risk. If current conditions are struggling to be adhered to, then to increase the risk is concerning.

The applicant has made a reference to another licensed premises nearby that is also in the CIP. This venue has a licence that pre dates the policy. It is also a very different type of business to his own, has a very different layout with parking facilities and is positioned further along up the road. They are not comparable in my opinion.

The applicant also draws reference to the fact he is struggling financially with the business. Whilst sympathetic the Police must look beyond this and look at what greater impact this may have upon the licensing objectives. Indeed with a struggling business this in itself brings concerns for the Police as current safety measures may be over looked in order to save money and also bring a reluctance to add additional safety measures.

Conclusion

A CIP is put in place with prevention in mind, a check on the Police indices shows that this venue since acquiring the licence in 2015 has not had a reported crime against it. This shows that the CIP is currently working and to change the hours of alcohol sales would only re-introduce this risk against all four licensing objectives.

The Police therefore object to this application and support the Licensing Authorities representation.

Yours Sincerely

Gary Marsh PC 475YE Police Licensing Team Edmonton Police Station 4th Floor Room 4.21 0208 345 4565

Annex 5



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).

Name and address of premises: Oncu Food Centre

418-420 Hertford Road

London N9 8AA

Type of Application:

New 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 new application for an off licence to provide the following activities:

Activity	Proposed Times	Current Time
Opening hours	24 hours everyday	24 hours everyday
Supply of alcohol (off supplies only)	24 hours everyday	08:00 - 00:00 everyday

History:

This premises licence was granted on 20/07/15. The premises already had a premises licence however the premises had been extended so a new application was needed. At that time the applicant also applied for longer hours in line with the Cumulative Impact Policy.

The old licence can no longer be used as the plan is not accurate but it has yet to be surrendered. The applicant is advised to formally surrender the old redundant licence (LN/201300697) to prevent being charged an annual fee for a licence they cannot use.

Since the last licence was granted the following complaints and visits have been made:

26/09/15 – Complaint received from local resident. The complaint related to noise disturbance and illegal parking by visitors to the premises which they said now opens 24 hours.

14.11.15 – 00:10 - Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises to carry out observations, to see if they were selling after hours and to carry out a full licence inspection. One of the officers entered the premises at 00:14. They picked up 2 bottles of Stella Artois (330ml) and took them to the check out. The man

on the checkout scanned the items without hesitation and the officer paid for them and left. The other officer carried out observations outside whilst this took place. They noted that the side street adjacent to the premises had several cars parked all the way along it, but there was no vehicle or people movement at that time. One car was seen parked outside the premises on Hertford Road. One male who appeared to be working in the shop was outside arranging fruit and vegetables. The officer did not observe any noise or anti-social behaviour issues in the few minutes that they observed. Both of the officers then returned to the premises at 00.20. On entering, one of the officers saw a male, who is now known to be Mr Karakas, pull down the blind over a chiller towards the rear of the shop. The officers introduced themselves to the 2 other males who appeared to be working there, and Mr Karakas was called back to the till area, as the officer identified him as the person who made the sale after hours. At first Mr Karakas said that the officer came in a while ago, but then he admitted that he did make the sale and that he should have checked the time as he knew not to sell after midnight. There was a large clock (which appeared to be accurate) immediately behind the till, by the tobacco display. There was also a digital clock on the till screen, again which appeared to be accurate. Mr Karakas stated he knew it was midnight and that was why he had started pulling the blinds down over the alcoholic drinks display. Alcohol was in the fridges where Mr Karakas had been pulling the blind down on entry. However, it was not fully closed and alcohol could still be accessed from the bottom. One large shelfing unit of alcohol was covered up, but to the left of that was another unit that was not covered up. It was clearly visible but there were several boxes of what appeared to be crisps in front of this unit, so not easily accessible. However, this is not a permanent fixture. The alcohol that was located behind a second till, near the entrance was clearly visible, but it would be unreasonable for a customer to have access behind this counter. The offence of selling after hours was explained to Mr Karakas. At this point, another unknown male began shouting at the officers and kept asking questions but would not listen to any of the responses. The officers believe he called Mr Ugur Tekagac, the Designated Premises Supervisor and Premises Licence Holder to attend the shop. The officers completed a Notice of Alleged Offence (Appendix 1). Mr Karakas signed the notice and was issued the carbon copy. The officers then carried out a licence compliance check. Part B of the licence was displayed but it was a 2013 licence instead of the current version. The officers asked Mr Karakas what deliveries took place and when and he stated that "fruit is delivered at 4am or 5am, other deliveries take place in the daytime." At 00.29 the officers took photos of the alcohol they had purchased, the clock, the clock on the till screen and the alcohol displays (Appendix 2). The male was still angry and shouting about this, asking why they were taking a photo of the alcohol test purchase at this time. The officers advised him that it was routine and that they knew the sale took place at 00.15am. Mr Tekegac arrived at the premises at 00:45 and the inspection continued with him. The following breaches were discovered:

Condition 4. 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.

Condition 5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year

Training record appeared to be well used, however, the last refresher training took place on 01/08/15 so the next due date was (and stated in the book) 01/11/15 but no entries in the book since 01/08/15. It was also noted that Mr Karakas did not appear in the training book at all. Mr Tekagac stated that he had trained him verbally. Advised of breach and to ensure all staff are trained and refresher training carried out on time.

Condition 9. All alcohol shall either be removed from display to customers outside of the designated hours for the supply of alcohol or be kept in display units that can be secured in a manner whereby potential customers cannot have access to the contents. Advised of concern that alcohol not removed or kept securely after permitted hours. Mr Tekagac agreed to address this issue.

Condition 10. Deliveries shall not be made to the premises between the hours of 21:00 and 07:00.

See fruit delivery comment by Mr Karakas above. However, Mr Tekagac stated that a delivery van arrives at 5am but is not unloaded until 7am.

Condition 12. CCTV condition

Mr Terkagac was unable to log in to the CCTV system, from the control point in the office at the back of the premises. The officers observed that the two CCTV monitor screens on display in the office had different times - advised to check it and correct them. Advised to keep footage for 28 days.

Gave 14 days to improve matters on inspection report. Mr Tekagac signed the report, and was given the carbon copy (Appendix 3). The officers left the premises at 01:05.

26/11/15 – Warning letter sent in relation to breaches and after hour sale (Appendix 4).

05/01/16 - Phone call from premises licensing agent who advised that he had not given them their licence to display and wanted to know what the next step was. An officer (CPX) advised him that they will be revisited to ensure they are not selling after hours and to check the outstanding conditions. He went on to ask about a nearby premises that has a 24 hour licence and asked how they got that. The officer checked their records and advised him that it was issued long before the Cumulative Impact Policy was introduced. He said he'd looked on the council's website and thinks they only got it last year. The officers advised that the date he had seen was probably the date they paid their last annual fee.

19/01/16 – Complaint received by another council team in relation to delivery vehicles causing an obstruction in Tramway Avenue.

01/02/16 – An officer (CPX) visited the premises to check the outstanding conditions. All compliant however the officer recommended staff carry ID to prove they are who they say they are. This was because when they checked the training records against those present in the shop one young male looked at them blankly when asked for his name. The male carrying out the inspection with the officer replied for him saying his name was Hasan which happened to be the name at the top of the list they were looking at. The young male still looked blank - the other male said something in another language including the name Hasan. The young male then repeated the word Hasan still looking blank. The officer asked for his ID and the older male again spoke to him and then told the officer he did not have any. The officer sensed that the first male made some kind of signal behind them so turned to look at him and when they turned back to the young male he had gone from sight. The officer advised the first male that staff should carry ID and that they were not convinced the male was Hasan. Another male appeared and the male said 'Ali is in the book' - the male immediately confirmed that his name was Ali. Inspection report completed (**Appendix 5**)

28/01/16 – An officer (DD) visited the premises in relation to the delivery vans and spoke to the manager who they advised of the recent complaint and about keeping road clear during delivery times.

Prevention of Nuisance:

This premises is located on the end of a parade of shops and on the corner of Tramway Avenue which is a residential street. There are residential properties opposite the premises and also in other nearby side streets. This is a quieter part of Hertford Road and local residents have recently complained about noise nuisance from people visiting the premises and delivery vans obstructing the road.

Cumulative Impact Policy (CIP):

This premises is located in a Cumulative Impact Policy Area (CIP).

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.

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 unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on the licensing objectives.

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 24 hours a day this could lead to an increase in the number of customers arriving at and leaving the premises during normal sleep time. This in turn could lead to increased noise nuisance and disturbance to the surrounding area which would be detrimental to the residential amenities and quality of life for residents.

The Licensing Authority does not believe that the steps set out in the operating schedule of this application (most of which are already conditions on the current licence) are sufficient to justify going against the council policy.

The applicant has submitted information about another premises on Hertford Road which has a 24 hour licence. As their agent was previously advised that premises was issued a 24 hour licence prior to the introduction of the CIP. Its licence was granted in 2006 and the date they refer to relates to their annual fee payment. The CIP does not affect premises that already had later licensed hours prior to its introduction.

The applicant has asked for a 24 hour licence to be granted to them with the same conditions as the other premises which already has a 24 hour licence.

However, even if the CIP did not exist the Licensing Authority would still object to this premises having a 24 hour licence due to the recent complaints which demonstrate that this is a more noise sensitive part of the Hertford Road than other sections of it. The recent breaches and after hours sale have also lead to a lack of confidence in those running the premises.

I wish to make representation on the following:

- Prevention of Nuisance
- Prevention of crime and disorder

Given the close proximity to local residents, the fact that this premises is located within a CIP area, they have previously failed to comply with the conditions attached to their current licence and the recent complaints I object to any extension of the licensed hours.

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.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

Calmer

Date: 05/02/2016

WK12150 49439

NOTICE OF ALLEGED OFFENCE

	*			
witnessed: M. HASAN W At COLLS AND W As I suspect an offence I not have to say anything defence if you fail to mer rely on in court. Any repl You are entitled to seek inde	ARAK ARAK	ommitted, I must caution you. You do d to this notice, but it may harm your questioned something that you later do give may be used in evidence.		
Premises Name:	CYCCLI	Charles Co.		
Address:	Orico	FOCO CENTR		
Address:	448 -	426 Hertford Ra		
T. I	N19 8	AA		
Telephone Number:				
PLH Name:	MICO	or Tekagac.		
Address:	TRAICE	4 Tudor Rel,		
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Signature of Officer on visit: Signature of Recipient:				
eva.		N. Kum/		
Print Name: Elli & G	122n	Print Name: Hasan Varavas		
Position: Proncipal Sign	nsing	Position: GMOloy 22		
Date: 14/11/201	5	Date: /4/1(/2015		
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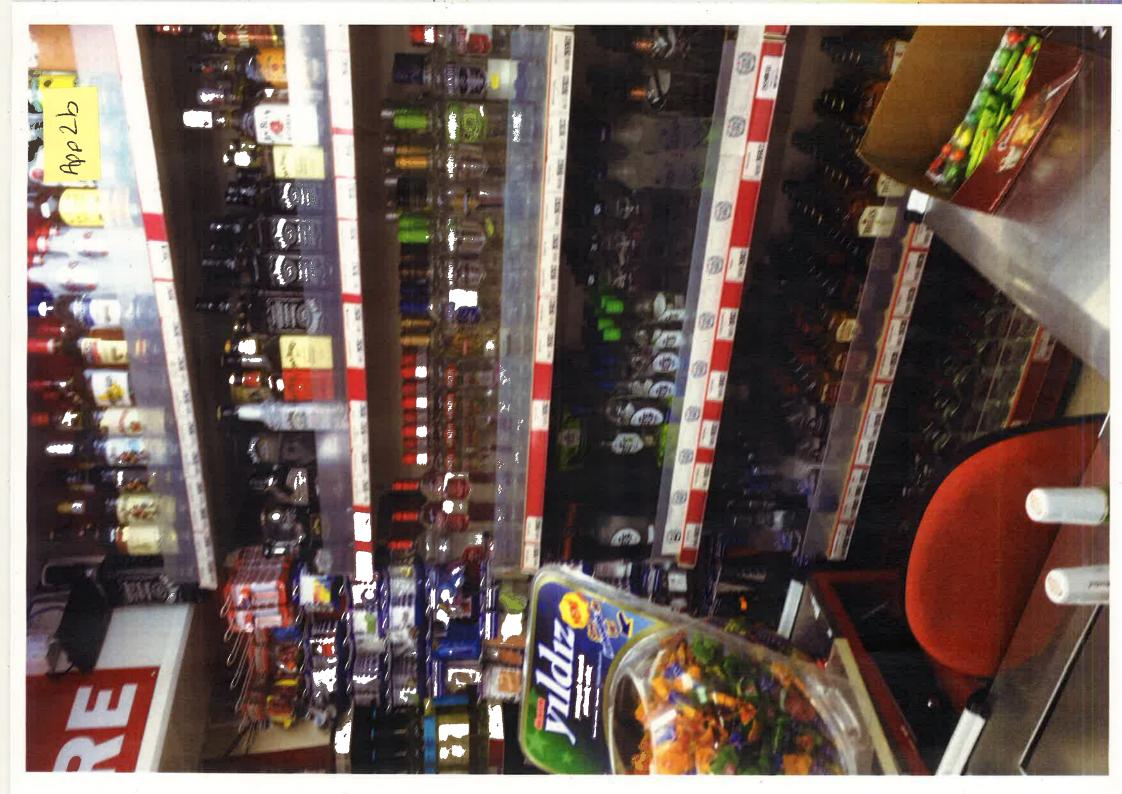
Licensing Enforcement, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XH, Tel: 020 8379 8505

Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

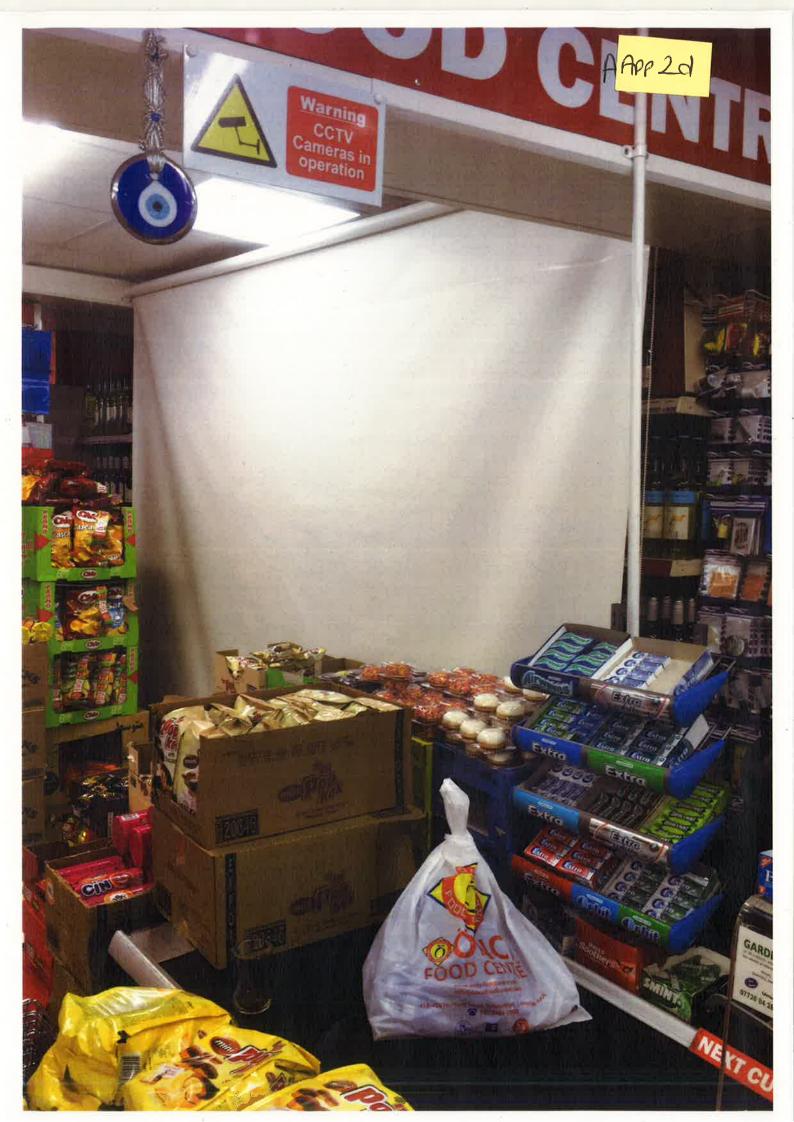




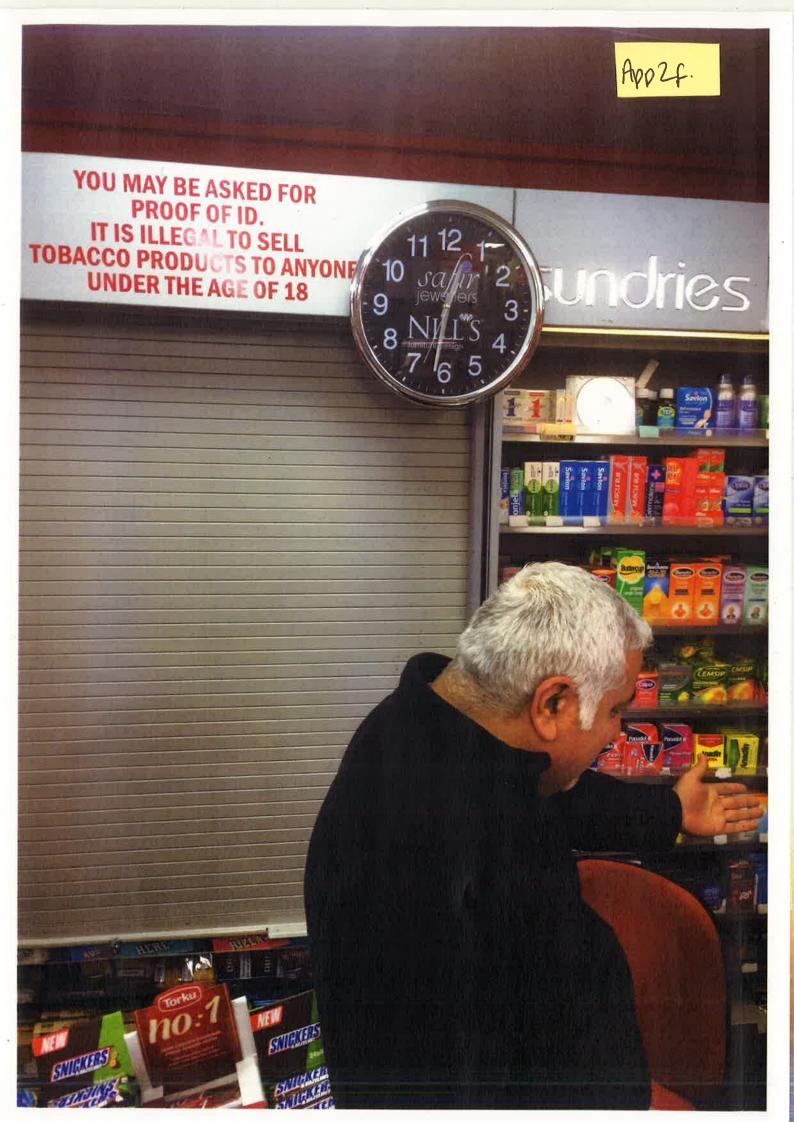












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REF: WK/215049439

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Oncu F	and cont	10		
Premises Address	418-43	A A	ALS HOLLE	rd rd	
Time of Visit:	Start:	00-20	Finish: CO . 5	8.	
	n of your premises on (4.1)	buember	20	ng was checked:	
Part B of Premises	Licence displayed? PLH & DPS on licence correct	Yes	No Puco	nce	
Conditions of licence		Yes Yes	No [(If incorrect, inser	t new details below)	
No. of condition not in compliance	se.	Evidence/Ad	vice		
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You are required to have the above matters attended to withindays of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.					
LICENSING	ENFORCEMENT	RECIPIE	NT OF NOTICE		
Signature of Office	r on visit:	Signature:	in		
Print Name:	10 (15 = 5	Print Name & F		PLH+	
	lie Green	Mr Ugur	Tellagac.	OPS	

Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 020 8379 1767 Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or licensing@enfield.gov.uk.

Download the appropriate application forms at http://www.enfield.gov.uk/info/200007/licensing_and_registration.

Material such as leave quietly signs, training guidance and refusals book is available to download and print at http://www.enfield.gov.uk/downloads/downloads/download/2316/compliance_documents







Mr Ugur Tekagac Oncu Food Centre 418-426 Hertford Road Edmonton **N9 8AA**

Please reply to: Charlotte Palmer

> **Licensing Enforcement Officer** Pollution Control, Planning and Licensing Enforcement Team

Regulatory Services

Tel: 0208 379 3965 Fax: 0208 379 2190

Minicom:

Email: charlotte.palmer@enfield.gov.uk

My Ref:

WK/215049439

Your Ref:

Date: 26th November 2015

Dear Mr Tekagac

Oncu Food Centre, 418 - 426 Hertford Road, London, N9 8AA

I write to you as the premises licence holder for the above named business.

During the early hours of Saturday 14 November 2015 Out of Hours Licensing Enforcement Officers visited your premises to check whether the premises was selling alcohol after the permitted time of midnight.

At 00:15 an officer entered the premises and was sold 2 bottles of Stella Artois by Mr Hasan Karakas.

A licence inspection was also carried out and you arrived at the premises during this time. The following breaches were discovered:

The current Part B was not on display.

Condition 4. 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.

Condition 5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

lan Davis **Director - Environment Enfield Council** Civic Centre, Silver Street **Enfield EN1 3XY**

Phone: 020 8379 1000 Website: www.enfield.gov.uk



Breaching times and conditions can also lead to a review of the Premises Licence. In considering any review application, the Council's Licensing Sub-Committee may choose to:

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

Please also ensure that all staff are aware than the premises licence only permits alcohol sales between 08:00 – 00:00.

Further observations of your premises shall be carried out.

Yours faithfully

Charlotte Palmer Senior Licensing Enforcement Officer

PLH - Mr Ugur Tekagac, 107 Tudor Road, London, N9 8PA

REF: WK/215049439

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name		oncu food a	oncu food Centre		
Premises Address			Landon, N9 8mA		
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			and Ton		
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Conditions of licence	checked?		Yes 🗹	No 🗌	
No. of condition Evidence/Advice					
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You are required to h	ave the above i	matters attended to v	vithin— days	of this notice. Failure to rectify the above	
				being brought against you.	
LICENSING	ENFORCEME	ENT	RECIPIE	ÑT OF NOTICE	
Signature of Officer on visit:			Signature:		
Print Name:			Print Name & F	Position:	
CPAINER			Samot	Position: Shop Assisant	
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Email/Tel: Charlotte, pain	ver en entre	eld, gov.ok			
0208 379 3969	· .		-		

Application forms can be downloaded at https://new.enfield.gov.uk/services/business-and-licensing/.

Material such as leave quietly signs, training guidance and refusals book is available to download and print at http://www.enfield.gov.uk/downloads/downloa



