

MUNICIPAL YEAR 2016/17 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
6 April 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Application for a new premises licence PREMISES : Oncu Food Centre, 848-852 Hertford Road, ENFIELD, EN3 6UD. WARD : Enfield Lock	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 This premises has not held a premises licence previously. According to the records, it was the Direct Boot store prior to becoming an off-licence/supermarket.
- 1.2 A copy of a location map of the premises is attached as Annex 01.

2 THIS APPLICATION:

- 2.1 On 11 February 2016 an application was made by **Mr Ugur Tekagac** for a new Premises Licence for **Oncu Food Centre**, 848-852 Hertford Road, ENFIELD, EN3 6UD. The named Designated Premises Supervisor (DPS) is **Mr Samet Karamugara**.
- 2.2 The application seeks:
 - 2.2.1 **Hours the premises are open to the public:** 24 hours daily.
 - 2.2.2 **Supply of alcohol (off supply only):** 08:00 to 00:00 (midnight) daily.
- 2.3 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.4 Each of the Responsible Authorities were consulted in respect of the application.
- 2.5 A copy of the application is attached as Annex 02.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** As conditions have been agreed, the representation, against the application, has been duly withdrawn.
- 3.2 **Other Persons:** Representations have been made, against the application, by two local residents. The grounds of representation include the prevention of public nuisance and the prevention of crime and disorder licensing objective.
- 3.4 Copies of the representations are attached as Annex 03.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this application are attached as Annex 04, which have not been disputed by the responsible authorities.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either:
- 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').
- General Principles:**
- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
- 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
- 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].
- 5.5 The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.17.1].
- 5.6 There can be confusion about the difference between the "need" for premises, and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for the Sub-Committee in discharging its licensing functions [Guid 13.18].

Cumulative Impact Policy:

5.7 The premises is not located in a Cumulative Impact Policy Area.

Hours:

5.8 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 [Guid 10.13].

5.9 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].

5.10 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:

5.11 As a matter of practice, the Sub-Committee 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 [Guid 9.36].

5.12 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:

5.12.1 the steps that are appropriate to promote the licensing objectives;

5.12.2 the representations (including supporting information) presented by all the parties;

5.12.3 the guidance; and

5.12.4 its own statement of licensing policy [Guid 9.37].

5.13 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 :

5.13.1 To grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;

5.13.2 To exclude from the scope of the licence any of the licensable activities to which the application relates;

5.13.3 To refuse to specify a person in the licence as the premises supervisor;

5.13.4 To reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 8379 8453



Oncu Food Centre, 848-852 Hertford Road, ENFIELD, EN3 6UD

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



© Crown copyright and database rights 2016
Ordnance Survey Licence no 100018820

Dwg No. 6800GC
Scale 1:1250
Date 23/03/2016

Wk | 215078899.

W.L.

Annex 02
£315.
Rec'd.
09741

Application for a premises licence to be granted 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 UGUR TEKAGAC

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
ONCU FOOD CENTRE 2 848-852 HERTFORD ROAD ENFIELD			
Post town	LONDON	Postcode	EN3 6LD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 40.250

LONDON BOROUGH OF ENFIELD
RECEIVED
11 FEB 2016
ENVIRONMENT & STREET SCENE

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

POST

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname TEKAGAG			First names UGUR		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		107 TUDOR ROAD			
Post town	LONDON		Postcode	N9 8PA	
Daytime contact telephone number			07958488892		
E-mail address (optional)		cohanmedek@hotmail.co.uk			

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	03	2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

OFF-LICENSEE AND SUPER MARKET

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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)

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

Supply of alcohol (if ticking yes, fill in box J)

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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)					
Mon	08:00	00:00						
Tue	08:00	00:00						
Wed	08:00	00:00						
Thur	08:00	00:00				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)		
Fri	08:00	00:00						
Sat	08:00	00:00						
Sun	08:00	00:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MR. SAMET KARAMUGARA
Address	34 HOLMWOOD ROAD ENFIELD LONDON
Postcode	EN3 6QJ
Personal licence number (if known)	LN/2012 00390
Issuing licensing authority (if known)	ENFIELD COUNCIL

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	00:00	N/A
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	

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)

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)

Please see below

We are proposing following conditions to promote 4 licensing objectives. We would be happy to discuss any additional conditions if necessary with responsible authorities.

b) The prevention of crime and disorder

CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) All instances of crime and disorder shall be reported the Police.

c) Public safety

All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition. The Premises will have a sign stated "MEMBERS ONLY" therefore those who are not a member will noticed on the CCTV and will be dismissed before entry.

d) The prevention of public nuisance

Notices to be displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementations, E.g. Challenge 25. Only photographic ID such as British driving licence or a passport shall be treated as acceptable form of identification.

This premises is 'MEMBER ONLY', Therefore all members are over 18 years old. Entrance to the door is locked at all times; no one will be able to enter the premises without permission.

Checklist:

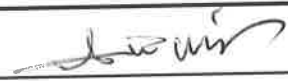
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

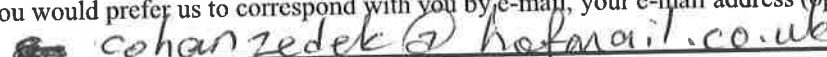
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	09/02/16
Capacity	Agent

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Cohen Zedek 20 Clisold house Lordship Road			
Post town	London	Postcode	N16 0PS
Telephone number (if any)	07852105778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
 cohanzedek@hotmail.co.uk			

823 HERTFORD ROAD
ENFIELD
MIDDLESEX
EN3 6UG
4 2 2016.

**REPRESENTATION AGAINST 24 HOUR TRADING AND GRANTING OF AN
ALCOHOL LICENSE AT 846-854 HERTFORD ROAD ENFIELD EN3 6UD**

Dear Sirs

I am writing to object to the proposal of a 24hour store being open together with an alcohol license from 8am to midnight.

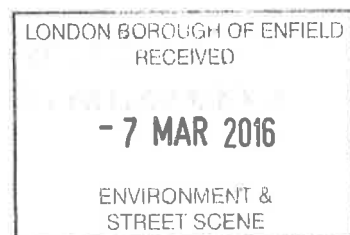
My grounds for objection are as follows:-

The opening of such a store will only lead to more **noise** and **light pollution** affecting our homes. In order to stop more crime and public nuisance the store should close by 10pm. Under the current proposals for all night-opening travellers would be encouraged to buy alcohol under the counter even if there were adequate enforcement measures in place such as shutters. Any one could stop over during the night and demand alcohol supplies and there would still be pressure to sell alcohol. This will only lead to more **anti-social behaviour crime and more incidents of public nuisance**. Children walking to Bullsmoor school in the morning would be exposed to alcohol supplies. There have been more cases of unruly disturbances where 24 hour trading exists in the borough leading to fights and police call-outs. Smaller alcohol-licensed newsagents all close by 10pm in the area and even Tesco Express at Bullsmoor lane shuts by midnight.

I urge you to seriously question whether these proposals are in the public interest and refuse this license.

Yours faithfully

Miroslav Louis Proshak



Part 1

821 HERTFORD ROAD
ENFIELD
MIDDLESEX
EN3 6UG
7th March 2016

1 P 2

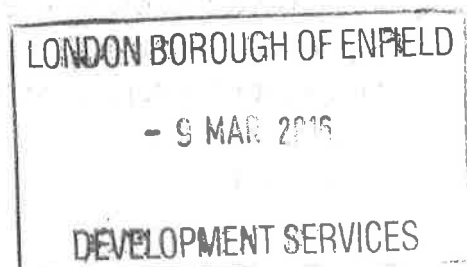
Re New store at 846-854 HERTFORD ROAD ENFIELD EN3 6UD

TO WHOM IT MAY CONCERN

Dear Sir

I wish to strongly protest and object to the opening of a 24 hour store opposite my house. I understand there will be an alcohol license running from 8 am to 12 pm. I am against these proposals on the grounds this will lead to more noise and anti- social behaviour. There will be more incidents of drunkenness. I believe the store should not trade all night as this will encourage passers- by to stop and buy alcohol leading to greater problems of public nuisance. I strongly believe that residents should be given substantial time for sleeping which will be under attack during these proposals and I urge you to refuse them on the grounds mentioned above.

Yours sincerely Ozgur Aydemir



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. 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.**
- 3. 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.**
- 4. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 5. 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.**
- 6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 7. There shall be no deliveries made to the premises between the hours of 21:00 and 07:00.**
- 8. 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.**
- 9. CCTV shall be in use at the premises:**
 - (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.**
 - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.**

- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.**
- (iv) The correct time and date will be generated onto both the recording and the real time image screen.**

10. All instances of crime and disorder shall be reported to the Police.

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

Not applicable