

MUNICIPAL YEAR 2016/17 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
27 April 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application	
PREMISES : Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX.	
WARD : Chase	

1 LICENSING HISTORY & CURRENT POSITION:

1.1 **Mr Ali Arslan** was named as the Premises Licence Holder on premises licence (LN/200500647) since 11 July 2007. The licence had previously been issued to Rasu Enterprise Ltd following a conversion.

1.2 The named Designated Premises Supervisor at this time was also **Mr Ali Arslan**, who held this position between 1 August 2005 and 10 August 2015.

1.3 On 7 May 2010, Trading Standards submitted a **review** of the licence in response to the large number of complaints alleging underage sales that had been received. Trading Standards sought to modify conditions of the licence, which was granted by the Licensing Sub-Committee on 23 August 2010.

1.4 On 21 August 2015, a transfer application was granted naming Mr Ali Serbet as the premises licence holder. This application was not subject to any representations.

1.5 On 25 August, a vary DPS application was granted naming Mr Ali Serbet as the new DPS. This application was not subject to any representations.

1.6 The current Premises Licence permits:

Hours the premises are open to the public: 24 hours daily.

Supply of alcohol (off supplies only): From 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 Sunday.

1.7 A copy of a location map of the premises is attached in Annex 1.

1.15 A copy of the current premises licence (LN/200500647) is attached in Annex 2.

2 THIS APPLICATION:

- 2.1 On 18 March 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/200500647.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made because the premises have been found to be selling non duty paid alcohol and tobacco, selling after their licensed hours on four occasions, breaching licence conditions and trading with an inaccurate plan attached to the premises licence, since July 2015.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the review application is attached as Annex 03.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Representations were received in support of this review application, based on the prevention of crime and disorder licensing objective.
- 3.2 A copy of the representation is attached as Annex 04.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this review application are attached as Annex 05.

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)].

Review:

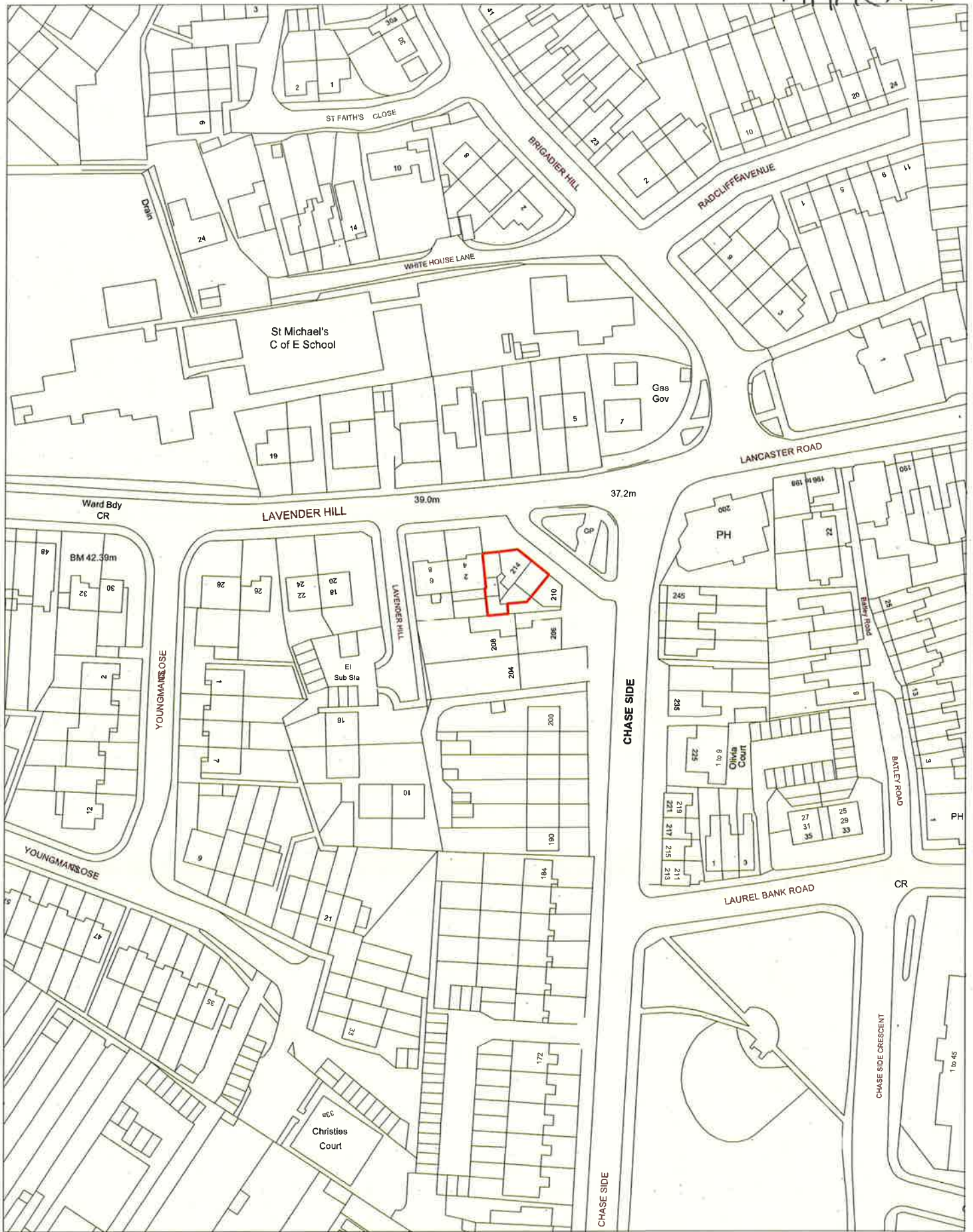
- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

- 5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 5.9.1 to modify the conditions of the licence;
 - 5.9.2 to exclude a licensable activity from the scope of the licence;
 - 5.9.3 to remove the designated premises supervisor
 - 5.9.4 to suspend the licence for a period not exceeding three months;
 - 5.9.5 to revoke the licence [Act s.52].
- 5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

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

Contact Officer :
Ellie Green on 020 8379 8543



212-214 Chase Side, Enfield, EN2 0QV

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



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Drg.No. 6800GQ
Scale 1:1250
Date 12/04/2016



Mr Ali Serbet
4 Ramscroft Close
Edmonton
N9 9JY

Please reply to Gill Aylott
: Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail: licensing@enfield.gov.uk
Phone: 020 8379 3578
Textphone: 020 8379 4419
Fax: 020 8379 2190
My Ref: LN/200500647
Your Ref: NOT PROVIDED
Date: 25th August 2015

Dear Mr Ali Serbet

Licensing Act 2003

Premises : Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX

This letter concerns the application for a Variation of the DPS on a Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly ;
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 068 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Aylott', written in a cursive style.

Gill Aylott
Licensing Officer

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200500647**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Euro Express**

Telephone number : **020 8367 3040**

Address : **212-214 Chase Side ENFIELD EN2 0QX**

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 :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	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 :	10:00 - 22:30
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 23:00
Saturday :	08:00 - 23:00
Good Friday :	08:00 - 22:30
Christmas Day :	12:00 - 15:00 & 19:00 - 22:30

Part 2

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

Name : Mr Ali Serbet

Telephone number :

euroexpress@hotmail.co.uk

e-mail :

4 Ramscroft Close, LONDON, N9 9JY

Address :

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 Ali Serbet

Telephone number :

euroexpress@hotmail.co.uk

e-mail :

4 Ramscroft Close, LONDON, N9 9JY

Address :

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :

Personal Licence Number : LN/201400004

Issuing Authority : London Borough of Enfield

Premises Licence LN/200500647 was first granted on 16 July 2005.

Signed :

Date : 25th August 2015

for and on behalf of the

London Borough of Enfield

Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH

Telephone : 020 8379 3578

ENFIELD
Council



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. Alcohol shall not be sold in an open container or be consumed in the licensed premises.**

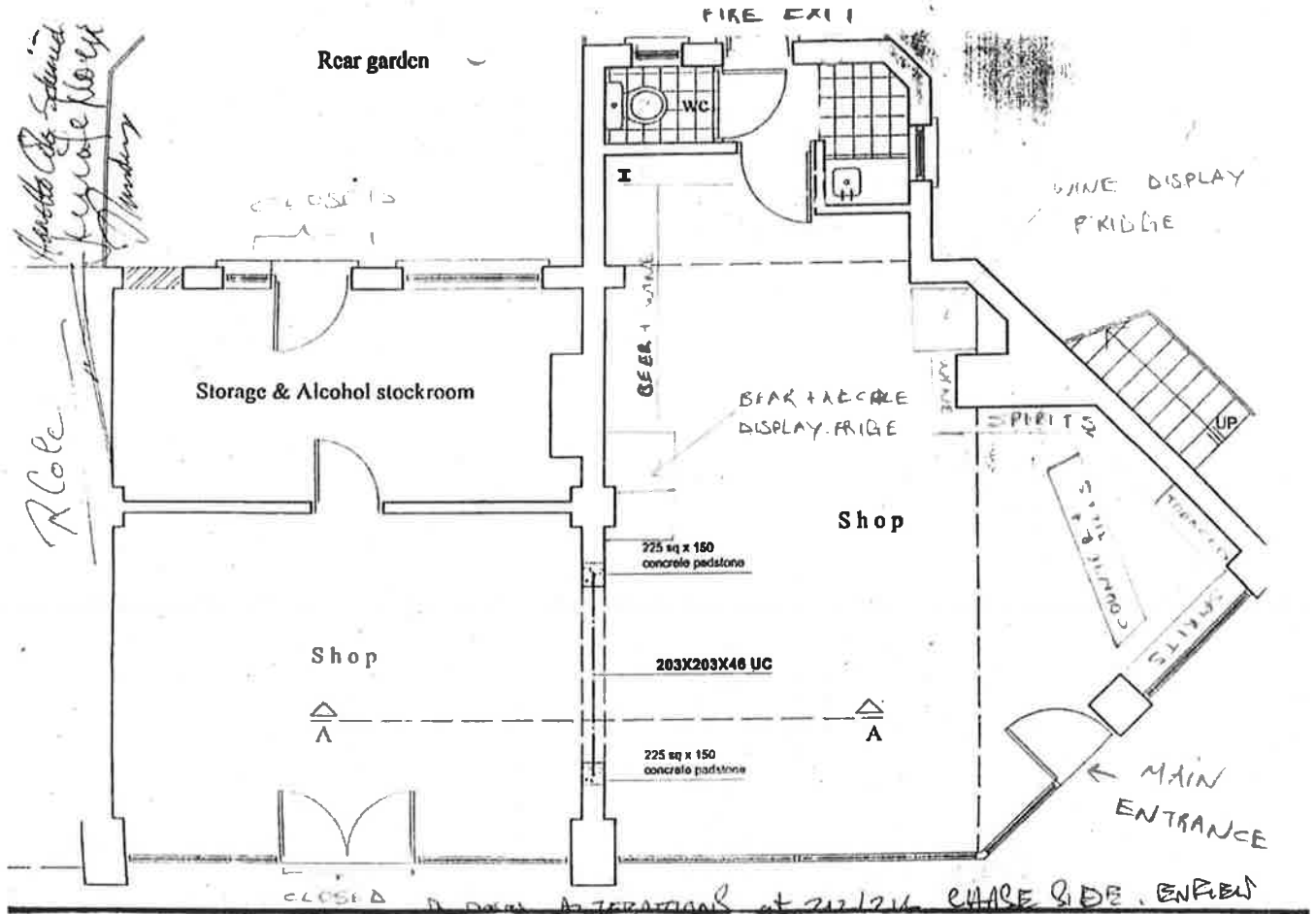
Annex 3 - Conditions attached after a hearing by the Licensing Authority

- 4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read.**
- 5. Staff shall actively discourage patrons from congregating around the outside of the premises.**
- 6. There shall be no drinks promotions that encourage illegal, irresponsible or immoderate consumption of alcohol at the premises.**
- 7. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol.**
- 8. All training relating to the sale of alcohol 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. 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.**
- 10. A written record of refused sales shall be kept on the premises and completed when necessary. The record shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.**
- ~~11. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.~~**

12. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.

13. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

Annex 4 - Plans



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Charlotte Palmer Senior Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Euro Express, 212-214 Chase Side	
Post town	Post code (if known)
Enfield	EN2 0QW

Name of premises licence holder or club holding club premises certificate (if known)
Mr Ali Serbet

Number of premises licence or club premises certificate (if known)
LN/200500647

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review: (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling non duty paid alcohol and tobacco, selling after their licensed hours on 4 occasions, breaching licence conditions and trading with an inaccurate plan attached to the premises licence.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background Information:

Please provide as much information as possible to support the application (please read guidance note 2)

Complaint and Visit History of Premises

The licence for this off licence was converted to a premises licence in 2005. The licence was reviewed by Trading Standards in 2010 following allegations of underage sales – conditions were added (this was under a different licence holder). A licence transfer application was submitted on 6th August 2015 by Ali Serbet and a vary designated premises supervisor application was submitted on 10th August 2015 naming Ali Serbet as the new designated premises supervisor. The applications were made after an investigation in to activities at the premises had already commenced.

Monday 27th July 2015 - The Licensing Enforcement Team were advised by a colleague in another council team that the responsible person they had been dealing with in relation to another matter at the premises was not the person named on the licence. They were also advised that staff at the premises were naming someone else as owning the business. They raised concern that the Premises Licence Holder

/Designated Premises Supervisor may no longer be at the premises. Business Rates confirmed that the Business Rates had been paid by Mr Ali Serbet since 01.04.14.

Thursday 30th July 2015 – The Licensing Enforcement Team received a complaint from a local resident alleging the premises trades until 01:30 on Friday and Saturday nights.

23:45 - Licensing Enforcement Officers (CPX / JF) entered Euro Express, 212-214 Chase Side, Enfield, EN2 0QX to see if the ownership of the premises had changed. They asked to speak to the owner and were advised that he was not on site. The member of staff said they would phone him. He made a call and passed the phone to one of the officers (CPX). The person on the phone gave their name as Umit Guven and said he was the manager. He was advised that if the ownership had changed then a licence transfer needed to be submitted. Umit Guven advised that he would arrange for a transfer application and a vary designated premises supervisor application to be submitted. During this conversation the officers witnessed a number of customers being served. At 23:49 three cans of alcohol – Fosters and Strongbow were sold. The licence stated that alcohol sales were only licensed until 23:00 on Thursdays. **After hours sale 1.** The officer advised Mr Guven of what had just happened and that all staff must be trained to ensure they knew the times and conditions of the licence. At 23:52 a female customer tried to buy two cans of Fosters and officers advised her that as the premises was only licensed until 23:00 they were not allowed to sell the alcohol to her. Another male then came in and left empty handed when told they could not sell alcohol at this time. An inspection report was completed detailing what had been witnessed (**Appendix 1**). It was signed and a copy left on the premises. Staff in the premises advised that they normally close at 23:00 but that deliveries were late so they had stayed open to wait for them. The officers did not make a note of the seller's details on this occasion. They instead reminded staff of the licensed hours.

Tuesday 4th August 2015 – 12:10 – 12:30 PC Martyn Fisher, Police Licensing Officer visited the premises and carried out a full licence inspection with the Manager Mr Umit Guven who advised that the owner of the business was Mr Ali Serbet. Advice was given in relation to submitting a transfer application. **The following 5 conditions were being breached:**

4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read.

7. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol.

8. All training relating to the sale of alcohol 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.

10. A written record of refused sales shall be kept on the premises and completed when necessary. The record shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.

13. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at

eye level and in a location where they can be read by those leaving the premises.

A notification of alleged offence under the Licensing Act 2003 (**Appendix 2**) and a Record of Visit to Licensed Premises forms were completed. (**Appendix 3**)

Thursday 6th August 2015 - A licence transfer application was submitted by Ali Serbet.

Monday 10th August 2015 - A vary designated premises supervisor application was submitted naming Ali SERBET as the new designated premises supervisor.

Saturday 15th August 2015 - Licensing Enforcement Officers (CPX / JS) visited the premises. At 00:50 one of the officers (JS) entered Euro Express to attempt to purchase alcohol after the licensed hours. He was sold two cans of Lech Pils (500ml cans). **After hours sale 2.** The officers both went back into the premises. They introduced themselves and explained that they had just failed an out of hours alcohol test purchase. At first the male denied making the sale until the officer showed him what he had bought. The officers completed a Notice of Alleged Offence (**Appendix 4**). The officers left the premises at approximately 01:15.

Saturday 29th August 2015 – Out of Hours Licensing Enforcement Officers carried out observations of the premises at 00:27. The premises was closed with the shutters down and no activity was seen.

Saturday 12th September 2015 - Licensing Enforcement Officers (CPX / JF) visited the premises. At 00:10 they parked in the slip road outside Euro Express and saw two males and one female leave the premises. Both males were carrying black plastic bags with what looked like large cans inside but it was not possible to see what they were. After observing for several minutes one of the officers (JF) left the car and entered Euro Express to attempt to purchase alcohol after the licensed hours. The sale was initially refused but the member of staff then followed the officer outside and called them back saying that they shouldn't sell after 23:00 but would sell to her. She was sold two bottles of Magners cider. **After hours sale 3.** Both officers returned to the shop. They introduced themselves and explained that they had just failed an out of hours alcohol test purchase. The male who made the sale did not appear to speak very much English. He made a phone call and spoke in what officers believed to be Turkish. The seller had a lengthy conversation with the person on the phone, after which he handed the phone to one of the officers (CPX). The officer spoke to Umit GUVEN who said that he was the manager of the premises. The phone line was not very good and he explained that he was in Turkey. He gave the seller's details and a notice of alleged offence was completed. (**Appendix 5**) Whilst in the premises a female entered and attempted to purchase two bottles of wine at 00:35, the sale was refused. A male entered and attempted to purchase beer at 00:37 and another male came in but also left empty handed when we told him that alcohol could not be sold at that time. The officers left the premises at 00:45.

Wednesday 30th September 2015 – 09:38 – A Licensing Enforcement Officer (CPX) carried out a pre-arranged full licence inspection carried out with Umit Guven. All of the licence conditions were compliant at that time. However, the officer recommended that he move the alcohol control zone poster to a location where it could be seen by those leaving the premises rather than on the window where only those outside could see it. Also advised him to remove the 'Think 21' poster and to keep the 'Challenge 25' posters that were also on display as these gave conflicting messages and that the current Part B of the licence needed to be displayed. The area of the premises furthest away from the entrance **did not match the plan attached to the licence (OFFENCE)** and appeared to still be in the process of being

altered as there was plastic sheeting covering one wall. The Manager advised that the counter would be getting moved and that a new entrance would be put in. The officer advised that new plans should be sent to licensing@enfield.gov.uk who would advise on which type of application would be needed to up-date the plans (**NOT YET RECEIVED**). He was also advised that letters would be sent to the people who had recently sold alcohol after hours and also the premises licence holder and designated premises supervisor inviting them in for a formal interview. Mr Guven had put up signs advising customers that they could not sell alcohol after 23:00. Licence inspection report completed and signed (**Appendix 6**).

Friday 13th November – 23:23 – Out of Hours Licensing Enforcement Officers (EVG / VPK) visited the premises. An officer attempted to buy 2 bottles of Stella larger. Staff advised the officer that he couldn't sell alcohol after 11pm and pointed to a sign stating so on the door.

Friday 19th February 2016 – Licensing Enforcement Officers (CPX, EVG) – arrived at premises which was still open, parked in slip road outside. 23:58 – one officers (EVG) entered and attempted an alcohol after hours test purchase and was sold a bottle of wine. **After hours sales 4**. Both officers then returned to the shop. The seller was still behind the counter and there was a queue of people at the counter, one male was holding a bottle of wine. One of the officers recognised the seller as the Manager she had carried out a licence inspection with in the past – Umit Guven. He looked over at the officers and when the male with the bottle of wine went to be served he told him that he could not sell alcohol as it was after 23:00. The officers approached the till once this male had left and advised the member of staff that he had sold after the licensed hours. He advised that he had started work at 7am that day and was still working so had made a mistake as he was tired. He said that there was a clock on the till and pointed to it. One of the officers (CPX) decided to go behind the till to take a photo of it. As they made their way towards the side of the counter to go behind it Umit Guven moved something putting it on top of an open thick black plastic bag covering up its contents. The officer asked what he was doing and lifted the item up to discover that the bag was full of non duty paid packets of cigarettes of various brands. Umit Guven said that they were his. However when officer looked behind the counter there were piles of cigarettes piled up by brand on shelves under the counter and there was also non duty paid bottles of vodka. The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings to be displayed on the packets was contravened, amounting to a criminal offence under the Consumer Protection Act 1987. A further offence under s.144 of the licensing Act 2003 was committed - knowingly keeping or allowing to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. The officer took a photo of the time shown on the till which was 00:02 and then started to place the cigarettes in plastic bags. After filling a couple of bags the officer decided they should take photos of the cigarettes to show how they had been stacked. These appeared to be staked ready for sale. Some were loose packets and some were in larger cartons, there was also hand rolling tobacco. Whilst the officers bagged the items and searched behind the counter for more approximately five different people tried to purchase alcohol. One female when told that they could not sell after 23:00 said 'since when'. It seemed that all were surprised that they could not be sold to at this time. Another female also attempted to purchase some cigarettes and when asked for ID did not have any so the sale was refused. She told Umit Guven, that he had sold her 2 bottles of vodka earlier. He denied this. There was an open packet of non-duty paid cigarettes behind the till which were also seized as there had been a previous allegation that the premises were also selling cigarettes singularly. Alcohol was not covered by shutters at any point during the visit, although there were shutters covering a fridge full of meat products. There was another male working there who did not appear to speak much English. With the help of Umit Guven

translating his details were noted down. **A full licence inspection was carried out and the following 5 breaches were discovered:** Condition 10 refusal book could not be found, Conditions 4 – leave quietly poster not on display, Conditions 7, 8 – no training records since 26.11.15 – no records for other member of staff seen working at time of visit. C13 – No drinking control zone poster, Plan attached to the licence not accurate. The officers advised that a variation application must be submitted. Advised premises may face review as a result of the afterhours sale, breach of conditions and possession of no duty paid alcohol and tobacco. There was also beer on display including Desperdos which only had labelling in a foreign language – the ingredients list needs to be in English. Advised to apply appropriate labels and not to sell this alcohol until this is complete. Seized 192 packets of cigarettes, 89 packets of hand rolling tobacco and 9 bottle of vodka. Left premises at 01:15. (See Appendix 7, 8, 9, 10a-k for Inspection Report, seizure notice, notice of alleged offence, photos).

Monday 29th February 2016 – Umit Guven brought the refusals book to the council for officers to see.

Tuesday 8th March 2016 – Umit Guven emailed the training records to a Licensing Enforcement Officer for them to see.

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling non-duty paid cigarettes / tobacco and alcohol, they have sold after hours 4 times, breached licence conditions and despite repeated advice have failed to submit an accurate plan of the premises.

At no point during this investigation have officers seen the Premises licence Holder / Designated Premises Supervisor at the premises leading to a lack of confidence in their ability to control activities taking place there.

The Licensing Authority therefore recommends that this licence be revoked.

Suggested additional conditions:

If the Licensing Committee does not deem it necessary to revoke the licence in its entirety I would recommend the DPS be removed from the licence and the licence be suspended for a maximum of 3 months until the DPS is varied, an application to submit an accurate plan has been submitted and granted and compliance with all licence conditions has been demonstrated. I would also recommend that the following conditions be attached to the premises licence:

- All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.
- The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.
- Only the Premises Licence Holder and Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
- The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

The Licensing Authority reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
<p>There is a significant history of illegal activity at this premises.</p> <p>Having regard to all this information, and taking into account the DCMS guidance that, this leaves little option other than for the Licensing Authority to seek total revocation of the premises licence.</p> <p>The Secretary of State believes that the sale of smuggled alcohol should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.</p>	

Please tick yes

Have you made an application for review relating to this premises before Yes

If yes please state the date of that application

Day Month Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature:

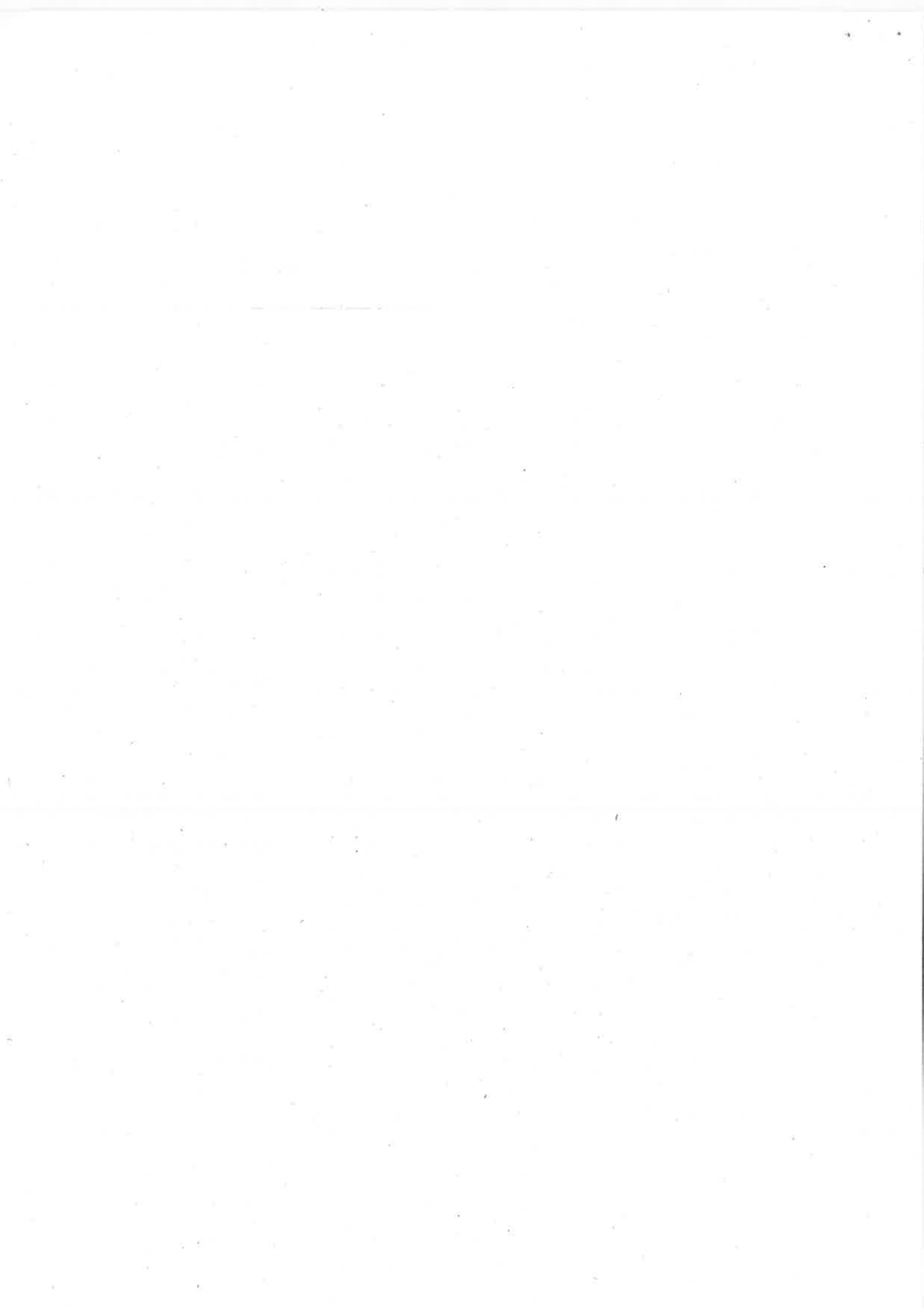
Date: 18th March 2016

Capacity: Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.





LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Euro Express
212-214 Chase Side
Enfield
EN2 0QX

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the review application submitted on 18/03/16:

Monday 03/08/15 – Trading Standards received an anonymous allegation that underage sales were taking place at the premises and that they were selling non-duty paid products. Two advice letters were sent to the premises. See **CPX/11 and CPX/12**.

Tuesday 01/09/15 - Trading Standards received a complaint in relation to youths drinking near the premises. The complaints believed the youths may have been getting the alcohol from this premises. An advice letter was sent to the premises. See **CPX/13**.

Tuesday 17/11/15 – Trading Standards received an allegation of underage single cigarette sales being made at the premises. An advice letter was sent to the premises on **26/11/15**. See **CPX/14**.

Tuesday 09/02/16 – Trading Standards received an allegation that underage sales were taking place at the premises. An advice letter sent to the premises. See **CPX/15**.

Wednesday 17/02/16 – Age Related Sales alcohol test purchase – no sale made.

Additional Information

The Licensing Enforcement Team is also currently carrying out a prosecution investigation in relation to the after hour sales and non-duty paid products found at the premises.

Planning

Tuesday 22/03/16 – The premises licence holder lost an appeal under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Enfield Council. The enforcement notice related to the erection of a single storey extension and condenser unit on the roof to the rear of the premises without planning permission. See **CPX/16**. This had led to a further lack of confidence in those running the premises. At the time

of writing the plan attached to the current premises licence is still not an accurate reflection of the actual premises layout.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

A handwritten signature in cursive script, appearing to read 'Palmer', is positioned above the 'Signed:' label.

Date: 07/04/2016

REF: WK/215032205

CPI Appl

LICN_

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Euro Express	
Premises Address	212 - 214 Chase Side, Enfield, EN2 0QX	
Time of Visit:	Start: 23-45	Finish: 23-58

During an inspection of your premises on 30th July 2015, the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
1	Visit to see if ownership has changed - spoke to new owner via phone who said he will be submitting a transfer e very DPS application witnessed alcohol sale at 23.49 whilst on phone to owner - advised he must train staff in permitted alcohol sale times and ensure no more sales after 23.00

Any other matter(s) that need addressing:

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	RECIPIENT OF NOTICE
Signature of Officer on visit: <i>Palmer</i> 0208 379 3965	Signature: <i>[Signature]</i>
Print Name: CHARLOTTE PALMER	Print Name & Position: Anatoly Zemanow

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/download/2316/compliance_documents

App 2



TOTAL POLICING

Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: Two Square REF: (CAD/CRIS etc.)

Address: 212 Canal Street, Manchester

Date: 14/11/11 Time: 2:30

Details of person in charge at the relevant time: Mr. [unclear]

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 Issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

The following conditions were in place
4, 7, 8, 10 and 13

Issuing officer: [Signature] Print: [Signature]

I acknowledge receipt of this form: (venue) [Signature]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



TOTAL POLICING

Licensing Act 2003 - Record of Visit to Licensed Premises

Details

Name of Premises: Euro Express

Address of Premises: 212, Chase Side, Enfield, EN200X

Premises Type / Event: Off Licence

Date of Visit: 4/8/2015 Time Of Visit: 12:10

Officers in Attendance

1.	<u>PC 357^{TS} Fisher</u>	CAD Reference:
2.	<u>PC 433^{TS} Caldwell</u>	CRIS Reference:
3.		CRIMINIT Reference:
4.		

Premises Details

Is the Premises Licence Summary displayed and correct? Yes No

Is the Designated Premises Supervisor (DPS) present? Yes No

Record details of DPS personal Licence (Include full name, issuing authority and lic No.)

DPS Contact No.: _____

If No DPS is present provide details of person in charge: Umik Awan 07507 796763

Record details of personal Licence (include full name, issuing authority and lic No.)

Personal licence holder but not on premises at time of visit.

Is the full premises Licence or an endorsed copy available? Yes No

What is the capacity of the premises if shown on premises licence?

How many persons present (rough headcount)?

What process is used to record customer numbers (clicker, tickets head count etc)?

RESTRICTED

Toilets and public areas

Toilets

Are the toilets regularly checked by staff?

Yes No

Is there a Toilet attendant?

NIA

Yes No

Are the toilets covered by CCTV?

Yes No

Are the toilets and environs well maintained?

Yes No

Is there any evidence of drugs use in this area?

If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)

Yes No

Smoking area:

Is there a designated smoking area?

Yes No

Is it covered by CCTV?

NIA

Yes No

Is it controlled by staff?

Yes No

Is there a re-entry search policy?

Yes No

Public areas:

Is the ambient lighting in public areas adequate?

Yes No

Is there a VIP area?

Yes No

Does CCTV cover public areas and dancefloor?

Yes No

Do staff regularly clear glassware?

NIA

Yes No

Does the premises use plastic drinkware?

Yes No

Is there a cloakroom?

Yes No

Does the premises have a Medical facility/room?

Yes No

What percentage of the premises is given over to seating and tables?

%

Premises Staff

How many staff are on duty?

Two

How many Personal Licence Holders on site?

One

Are staff training records available?

Yes No

Is there a trained first aider on duty?

Yes No

General attitude of staff

Helpful Unhelpful Obstructive Other

WK/215032205

LICN_2

App 4

NOTICE OF ALLEGED OFFENCE

This notice is to inform you that during a visit to these premises by an officer of the Trading Standards and Licensing Enforcement Team, the following offence(s) was witnessed:

Selling alcohol after the permitted licensed hours i.e. 2 x Lech Pils (500ml cans) at 00:50 on Saturday 15/8/15.

As I suspect an offence has been committed, I must caution you. You do not have to say anything or respond to this notice, but it may harm your defence if you fail to mention when questioned something that you later rely on in court. Any reply that you do give may be used in evidence.

You are entitled to seek independent legal advice before making any response that you wish to make. The officer giving you this notice is not placing you under arrest.

Premises Name: Address:	Euro Express 212-214 Chase side, Enfield EN2 0QX.
Telephone Number:	
PLH Name: Address:	Transfer & vary DPS pending. New owner is: Umit Guven.
Telephone number:	
DPS Name: Address:	
Telephone number:	
Seller Name: Address:	Murtaza Ocak 44 Pelham Road, London, N15 4EN
Telephone number:	04415713164.

This breach constitutes a CRIMINAL OFFENCE. In accordance with our enforcement policy, this matter will now be investigated and reported to the Head of Regulatory Services for consideration for prosecution. This matter may also be referred to the Council's Licensing Committee for a review of the premises licence. You will be advised in due course of any action that will be taken.

Signature of Officer on visit:	Signature of Recipient:
CPALMER	Murtaza Ocak
Print Name: CPALMER	Print Name: Murtaza Ocak
Position: LICENSING ENFORCEMENT	Position: Staff
Date: 15/8/15. OFFICER	Date: 15.8.2015

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



WK/215032205

LICN_2

APPS

NOTICE OF ALLEGED OFFENCE

This notice is to inform you that during a visit to these premises by an officer of the Trading Standards and Licensing Enforcement Team, the following offence(s) was witnessed:

Selling alcohol after the permitted licensed times in 2 bottles of Majors Cider at 00.15.

As I suspect an offence has been committed, I must caution you. You do not have to say anything or respond to this notice, but it may harm your defence if you fail to mention when questioned something that you later rely on in court. Any reply that you do give may be used in evidence.

You are entitled to seek independent legal advice before making any response that you wish to make. The officer giving you this notice is not placing you under arrest.

Premises Name: Address:	Euro Express 212-214 Chase side, Enfield EN2 0QX
Telephone Number:	
PLH Name: Address:	Ali Serber 4 Ramscroft Close, London N9 9JY
Telephone number:	
DPS Name: Address:	AS above
Telephone number:	
Seller Name: Address:	Deniz Geven 97 Nightshade Road, N9 8EY
Telephone number:	

This breach constitutes a CRIMINAL OFFENCE. In accordance with our enforcement policy, this matter will now be investigated and reported to the Head of Regulatory Services for consideration for prosecution. This matter may also be referred to the Council's Licensing Committee for a review of the premises licence. You will be advised in due course of any action that will be taken.

Signature of Officer on visit: <i>Palmer</i>	Signature of Recipient: <i>Deniz Geven</i>
Print Name: CPAUMER	Print Name: DENIZ GEVEN
Position: LICENSING ENFORCEMENT	Position: STAFF
Date: 12/9/15 OFFICER	Date: 12/9/15.

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



REF: WK/21503 2205

LIC

App6

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Euro Express	
Premises Address	212 - 214 Chase side, Enfield, EN2 0QX	
Time of Visit:	Start: 9.38	Finish: 10.20

During an inspection of your premises on Wednesday 30th Sept 2015, the following was checked:

Part B of Premises Licence displayed? Yes No *Waited for new copy.*
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	All condition compliant. Recommend moving alcohol zone poster to where it can be seen by those leaving the premises and removing drink 21 poster and keeping the challenge 25 posters. Part B to be displayed - contact licensing team to get a duplicate copy of the most recent licence £10.50 charge. Discussed plans - send new version to licensing who will advise on what type of application is required.

Any other matter(s) that need addressing: full licence inspection following 2 recent after hours sales of alcohol. Letters inviting the seller and PLH/DPS in to a formal interview will be sent soon.

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	RECIPIENT OF NOTICE
Signature of Officer on visit: <i>Palmer</i>	Signature: <i>Duff</i>
Print Name: CHARLOTTE PALMER.	Print Name & Position: <i>Duff Gutter manager</i>

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/download/2316/compliance_documents



REF: WK/ 215078515

LICENSING ENFORCEMENT INSPECTION REPORT

LI App 7

Premises Name	Two Express	
Premises Address	214 Chase Side, EN2 0GX	
Time of Visit:	Start: 23.58	Finish: 01.15

During an inspection of your premises on 19/20 Feb 2016, the following was checked:

Part B of Premises Licence displayed?

Yes No Must be displayed

Address & tel no. of PLH & DPS on licence correct?

Yes No (If incorrect, insert new details below)

Conditions of licence checked?

Yes No

No. of condition not in compliance	Evidence/Advice
c. 10	No refusals book
c. 4	No leave quietly posters
c. 7+8	No training records since 26/11/15
	Hasan Demir - no record, working at time of visit.
	No drinking control zone posters.
c. 12	G.U unable to show personal licence card.
* Any other matter(s) that need addressing: Plan attached to licence no longer accurate since refurbishment. A variation application must be submitted. Premises may face review and/or review action for after hours sales, breach of conditions and possession of non duty paid alcohol and tobacco.	

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	RECIPIENT OF NOTICE
Signature of Officer on visit: EUG	Signature: [Signature]
Print Name: Ellie Green	Print Name & Position: Mr Guven Umit, Cashier
Email/Tel: ellie.green@enfield.gov.uk	Email/Tel: 0750779673 guven285@me.com

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/download/2316/compliance_documents

* Barnet Personal lic no. UN/200714141

NOTICE OF SEIZURE

No 1011

ENFIELD
Council
www.enfield.gov.uk

App8

Name: Euro Express
Address: 214 Chase Side
Enfield
EN2 0GX

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XH

tradingstandards@enfield.gov.uk
Telephone: 020 8379 8505
Fax: 020 8379 8506

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

Tobacco (Manufacture, Presentation, Sale + Supply)
Regs. Food Safety Act 1990
(Consumer Protection Act 1987).

- 9 x 700ml vodka, foreign labelling only, no UK duty stamp.
- 89 packets rolling tobacco, foreign labelling, 50g packs.
- 193 packets cigarettes (20 cigs), foreign labelling - (one open pack with 13 cigarettes).
Beer eg. Desperados only labelled in foreign language, must be in English.
Apply appropriate labels. You must not sell this alcohol until this completed.

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: Ellie Green Date: 20/2/2016
Signature: [Signature] ellie.greene@enfield.gov.uk
Direct Dial: 0208 379 8543
Received by: MR. GUVEN UMIT Position in Business: CASHIER

WKI 215078515

LICN_2

NOTICE OF ALLEGED OFFENCE

APP 9

This notice is to inform you that during a visit to these premises by an officer of the Trading Standards and Licensing Enforcement Team, the following offence(s) was witnessed:

the sale of alcohol after the permitted time, namely at 23:58. Also seized 192 packets of cigarettes and 84 packets of tobacco, and 9 bottles non duty paid vodka.

As I suspect an offence has been committed, I must caution you. You do not have to say anything or respond to this notice, but it may harm your defence if you fail to mention when questioned something that you later rely on in court. Any reply that you do give may be used in evidence.

You are entitled to seek independent legal advice before making any response that you wish to make. The officer giving you this notice is not placing you under arrest.

Premises Name: Address:	Euro Express 214 Chase Side, EN2 0GX
Telephone Number:	
PLH Name: Address:	Mr Ali Serbet 07949117219
Telephone number:	
DPS Name: Address:	Mr Ali Serbet guven285@me-com
Telephone number:	
Seller Name: Address:	M/ GUVEN UMIT 93 Nightingale Road, N9 8PY
Telephone number:	07507796763

Shop Asst

During offence: 214 Chase Side, EN2 0GX

This breach constitutes a CRIMINAL OFFENCE. In accordance with our enforcement policy, this matter will now be investigated and reported to the Head of Regulatory Services for consideration for prosecution. This matter may also be referred to the Council's Licensing Committee for a review of the premises licence. You will be advised in due course of any action that will be taken.

Signature of Officer on visit: EVA	Signature of Recipient: Ali Serbet
Print Name: Ellie Green	Print Name: Guven Umit
Position: Principal Licensing Officer	Position: Cashier
Date: 20/2/16	Date: 20/2/16

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

Sat 20 Feb 00:02

Staff: Tahir

Till: Till 1

Split

APP
100

10b





100



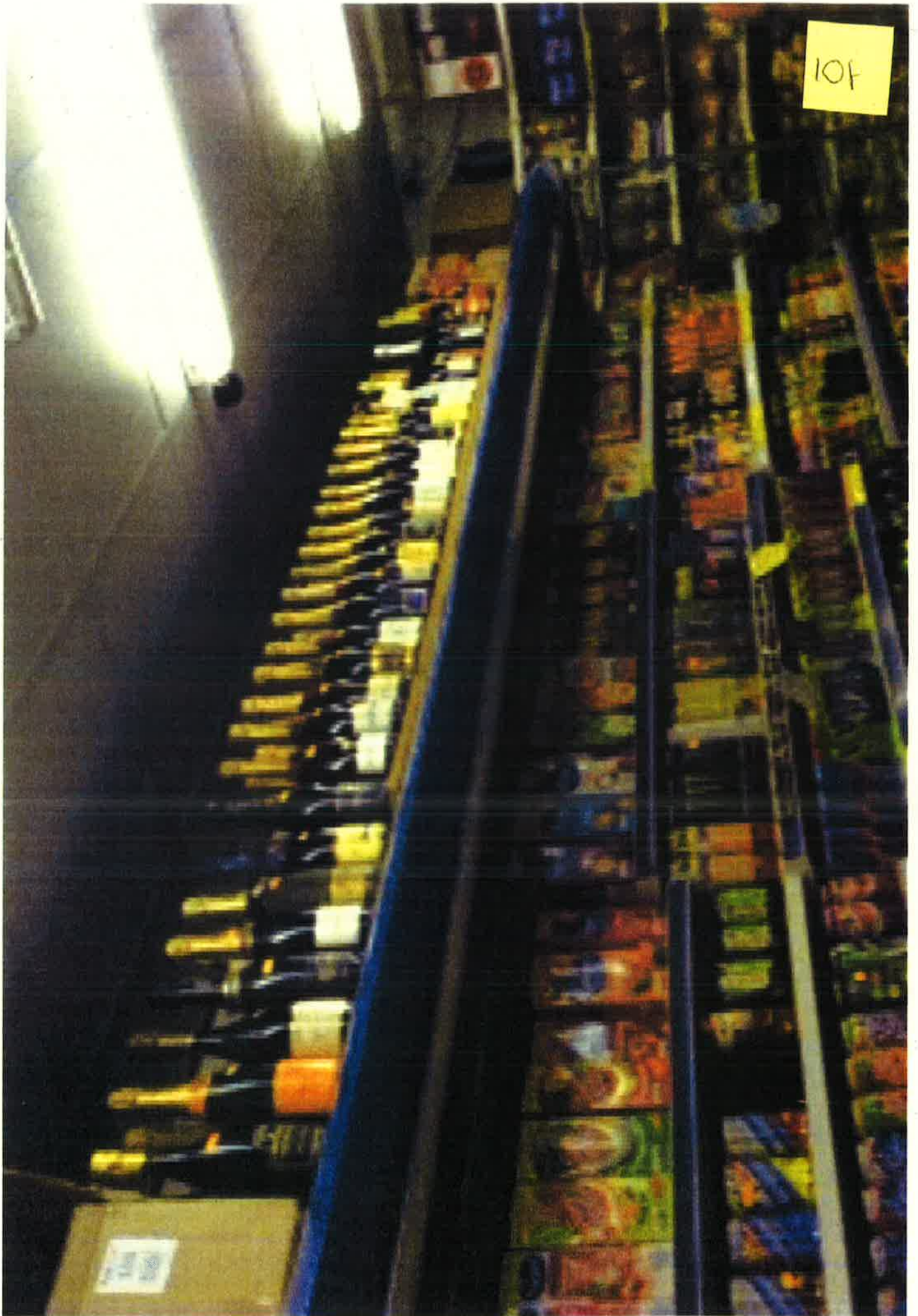
10e



NO
Alcohol until
11 PM

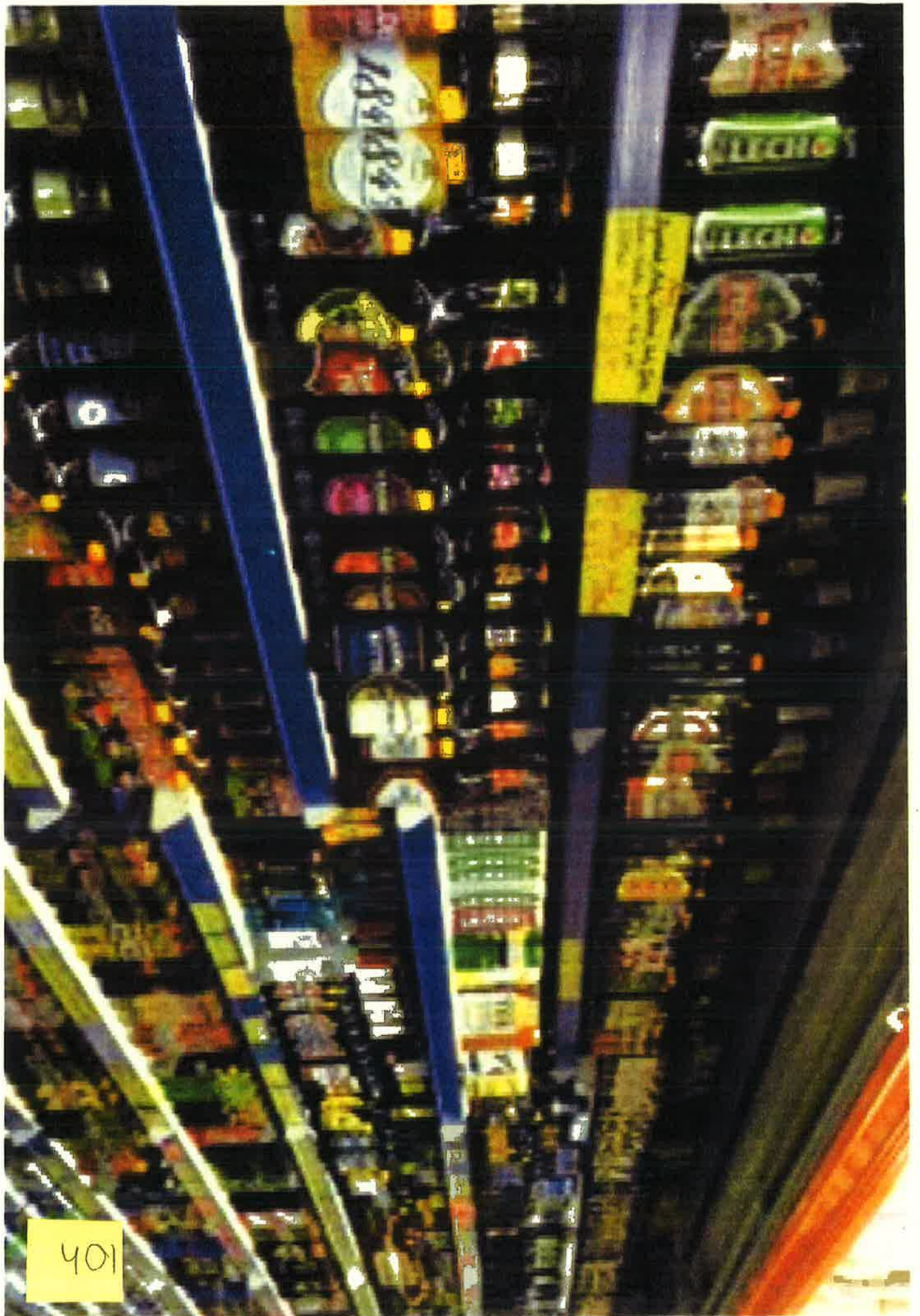
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WINE

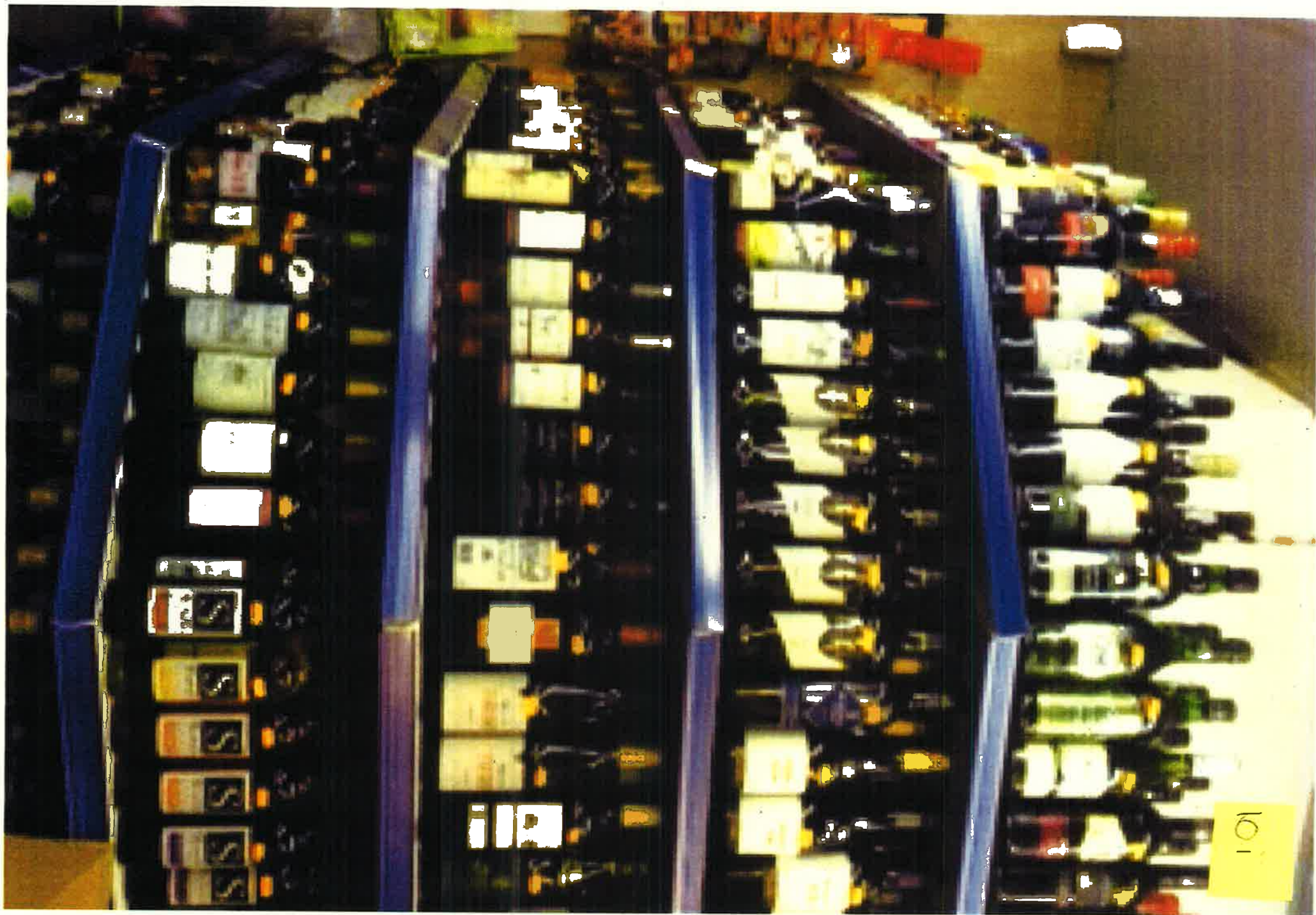


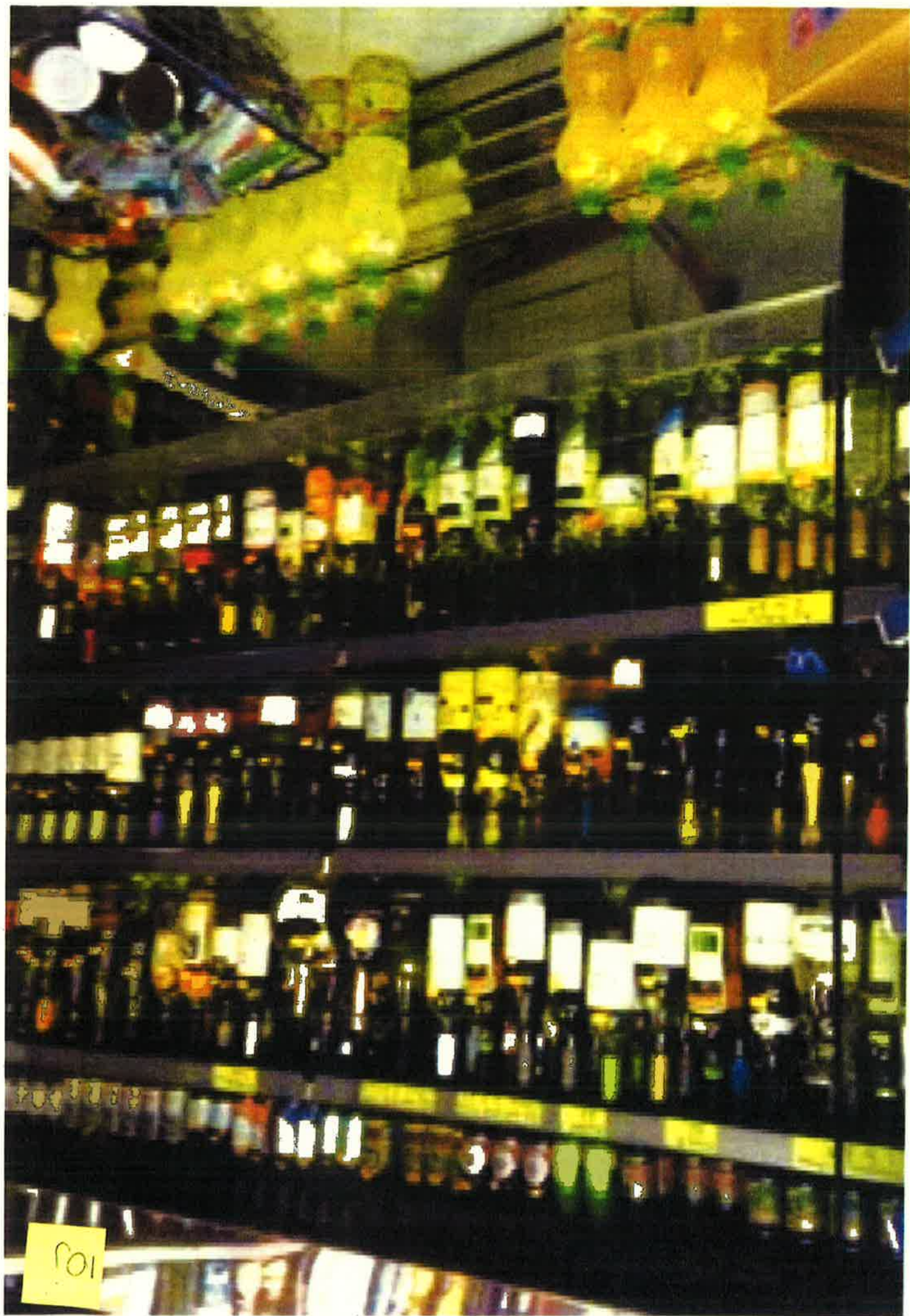
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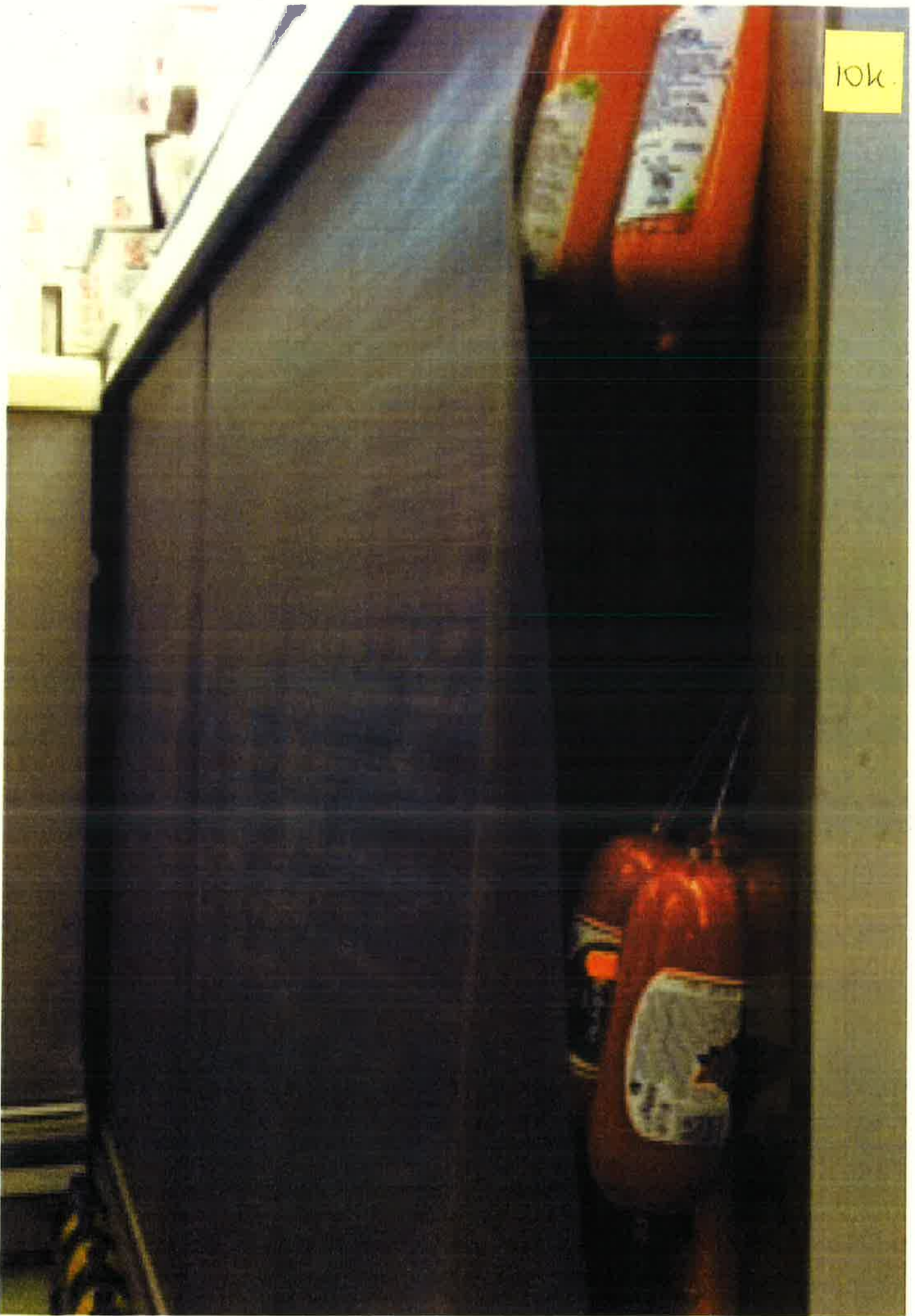




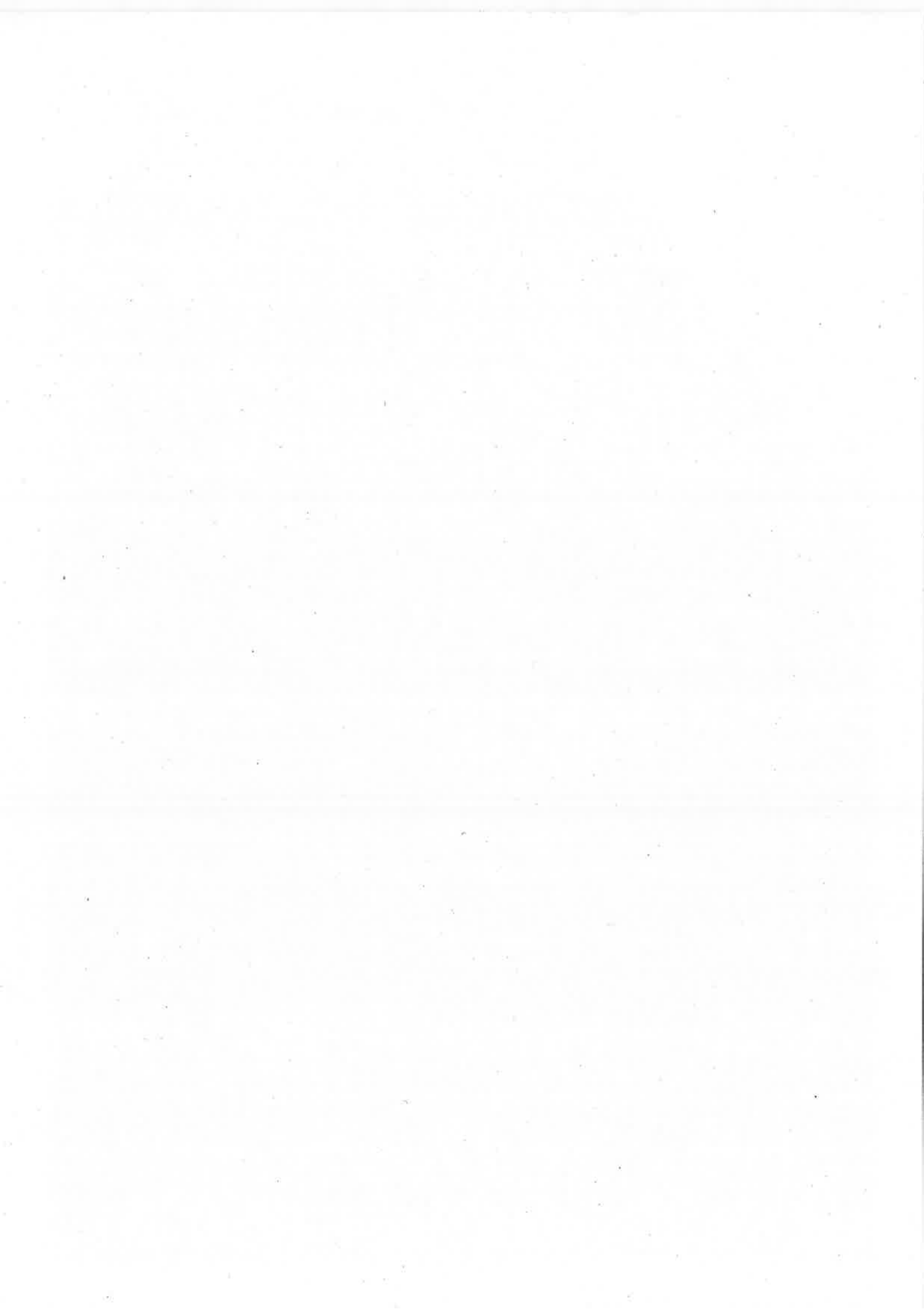
401







10k.



CPX/11

The Owner/Designated Premises
Supervisor
Euro Express
212-214 Chase Side
Enfield
EN2 0QX

Please reply to: Sheila Lahey
Environment Department
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8505
Fax: 020 8379 8506
Minicom: 020 8379 4419
Email: trading_standards@enfield.gov.uk
My Ref: WK/215033920
Your Ref:
Date: 3rd August 2015

**FOR THE ATTENTION OF THE OWNER AND DESIGNATED PREMISES
SUPERVISOR**

Re: Sale of intoxicating liquor to persons under 18

Premises: Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX

I am writing to you as the owner and designated premises supervisor for the above premises to advise you that Trading Standards recently received information alleging that underage sales of alcohol have taken place from your premises.

This letter contains a brief summary of the law relating to the sale of alcohol to anyone under the age of 18 and some recommendations of good practice, which may help prevent illegal sales being made from your business.

The Law

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- The maximum penalty for breaching the law is a £5000 fine per offence.
- It is worth noting that if you are not the actual seller, and you have done all you reasonably can to prevent the sale of alcohol to children from your premises, you may be able to raise 'a defence' to any action and avoid a criminal conviction.
- Furthermore, the Act confers additional powers on the Council where problems are identified at a premises, where they relate to the licensing objectives (namely: crime & disorder; public nuisance; public safety; and the protection of children from harm).

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

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

- In essence this may result in the review of your licence by a Responsibility Authority for example Trading Standards, Environmental Health or the Police. Furthermore, under the Act, residents themselves may also seek to review the 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 / or
- modify the conditions of the licence.

Good Practice

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http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Enforcement

- Trading Standards regularly ask youngsters to attempt to buy age restricted products from businesses to check that they are abiding by the law. Please be advised that the volunteer may lie about their age. Offenders could face fines and the premises licence could be recommended for a review by the licensing committee.

Further advice

If you require more information or want advice on how to comply with the law on underage sales please contact trading standards by phone on 020 8379 8505. Alternatively you can send an email to trading_standards@enfield.gov.uk.

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Yours faithfully

Sheila Lahey
Fair Trading Officer

CPX/12

Euro Express
212-214 Chase Side
Enfield
EN2 0QX

Please reply to: Sheila Lahey
Consumer Protection
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8527
Fax:
Textphone:: 020 8379 4419
Email: sheila.lahey@enfield.gov.uk
My Ref: WK/215033920
Your Ref:
Date: 3rd August 2015

Dear Sir,

**Licencing Act 2003
Trade Marks Act 1994
Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2007**

We have received a complaint that your business is dealing in illicit tobacco.

All licence holders were written to in April/May 2014 regarding the new Mandatory Condition that alcohol must **not** be sold at a price lower than the permitted price (which is calculated on the basis of the duty and VAT payable).

In addition businesses were reminded and warned they must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

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

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

A visit will be made and if non-compliance is found, I will have no option but to report the matter to my senior officers and Legal Services.

Trading Standards may also consider test purchasing from your premises in the future.

ILL_01

Ian Davis
Director – Regeneration & Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

For help with this document, please contact the above officer who will be able to assist in line with our accessible information policy

Any further complaints or enquiries received will be referenced back to this letter and our previous dealings with you. Further action will be considered, if it is felt the matters raised, should have prevented the commission of any offence.

I would be pleased to receive your comments, should you wish to make any.

We will reconsider enforcement action if we see a demonstrable commitment to good management practice, to avoid the commission of any offences due to the act or default of other persons. If you are a licence holder, additional voluntary conditions can help you achieve this. If you would like to consider a minor variation to add additional conditions to your licence, I recommend you contact the Licensing Team.

Please be advised only the Courts can interpret legislation with any authority, the opinions and advice contained in this letter are subject to change dependent upon legislative changes, new information or evidence.

Yours sincerely

Sheila Lahey
Fair Trading Officer

CX 113.

The Owner/Designated Premises
Supervisor
Euro Express
212-214 Chase Side
ENFIELD
EN2 0QX

Please reply to: Sheila Lahey
Environment Department
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8505
Fax: 020 8379 8506
Minicom: 020 8379 4419
Email: trading.standards@enfield.gov.uk
My Ref: WK/215059026
Your Ref:
Date: 17th November 2015

**FOR THE ATTENTION OF THE OWNER AND DESIGNATED PREMISES
SUPERVISOR**

Re: Sale of intoxicating liquor to persons under 18

Premises: Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX

I am writing to you as the owner and designated premises supervisor for the above premises to advise you that Trading Standards recently received information alleging that underage sales of alcohol have taken place from your premises.

This letter contains a brief summary of the law relating to the sale of alcohol to anyone under the age of 18 and some recommendations of good practice, which may help prevent illegal sales being made from your business.

The Law

- It is a criminal offence to sell alcohol to a person under the age of eighteen, even if they look older.
- A sale may result in a number of people in the business committing an offence. The seller, a 'personal licence holder', the 'premises licence holder', and the owner of the business may all face prosecution.
- The maximum penalty for breaching the law is a £5000 fine per offence.
- It is worth noting that if you are not the actual seller, and you have done all you reasonably can to prevent the sale of alcohol to children from your premises, you may be able to raise 'a defence' to any action and avoid a criminal conviction.
- Furthermore, the Act confers additional powers on the Council where problems are identified at a premises, where they relate to the licensing objectives (namely: crime & disorder; public nuisance; public safety; and the protection of children from harm).

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

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

- In essence this may result in the review of your licence by a Responsibility Authority for example Trading Standards, Environmental Health or the Police. Furthermore, under the Act, residents themselves may also seek to review the 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 / or
- modify the conditions of the licence.

Good Practice

You may wish to consider the following steps to help avoid selling age-restricted products to persons underage:

- Ensure you have in place a suitable proof of age scheme for example "Think 21".
- Display posters showing age limits in the sales area, which contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff. You may also wish to display notices in staff areas, perhaps with warnings about the potential consequences of selling alcohol to children.
- Ensure new and existing staff are properly trained and that all staff are regularly reminded about the law. Keep records of any training, and when that training was carried out.
- Ensure you have a method of documenting refused sales for example a "refusal book or diary." This should be kept at the point of sale, or recorded electronically on the till. This should be completed on each separate occasion that an individual is refused a sale of alcohol.
- It is also good practice for the person monitoring the use of the refusals book to sign and date when their checks have been made. This will help to demonstrate that it is being monitored and used properly.
- Ensure your staff are clear about how to deal with attempted purchases by underage persons and are able to refuse sales when necessary. Have a clear policy such as asking for photo identification if there is any doubt about the person's age. You might want to consider taking a 'no ID, no sale' approach to age-restricted products.
- Acceptable proof of age cards contain the PASS (Proof of Age Standards Scheme) hologram, which provides a guarantee that the card is authentic. Schemes include Citizen Card, Validate UK and the Portman Card.

Passports and Photocard Driving licences are also acceptable means for proof of age.

- If you possess an EPoS (Electronic Point of Sale) system, it may be possible to remind staff via a prompt.

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Enforcement

- Trading Standards regularly ask youngsters to attempt to buy age restricted products from businesses to check that they are abiding by the law. Please be advised that the volunteer may lie about their age. Offenders could face fines and the premises licence could be recommended for a review by the licensing committee.

Further advice

If you require more information or want advice on how to comply with the law on underage sales please contact trading standards by phone on 020 8379 8505. Alternatively you can send an email to trading_standards@enfield.gov.uk.

This letter has been composed by Enfield Trading Standards for traders; it is not an authoritative document on the law and is only intended for guidance. For further advice, contact Trading Standards or refer directly to the legislation.

Yours faithfully

Sheila Lahey
Fair Trading Officer

CPX/14.

The Owner
Euro Express
212-214 Chase Side
ENFIELD
EN2 0QX

Please reply to: Sheila Lahey
Environment Department
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8505
Fax: 020 8379 8506
Minicom: 020 8379 4419
Email: Trading.standards@enfield.gov.uk
My Ref: WK/215059479
Your Ref:
Date: 26th November 2015

FOR THE ATTENTION OF THE OWNER

Re: Sale of single cigarettes to persons under eighteen

Premises: Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX

I am writing to you as the owner for the above premises to advise you that Trading Standards recently received information alleging that underage sales of single cigarettes have taken place from your premises.

This letter contains a brief summary of the law relating to the sale of tobacco products to anyone under the age of 18 and some recommendations of good practice, which may help prevent illegal sales being made from your business.

The Law

- The Children and Young Persons Act (Protection from Tobacco) Act 1991 creates an offence for any person carrying on a retail business to sell cigarettes to any person other than in pre-packed quantities of 10 or more cigarettes in their original package.
-
- From 1st October 2007 the age limit for the sale of tobacco products changed from **16** to **18**.
- A sale may result in a number of people in the business committing an offence. The seller and the owner of the business may all face prosecution.
- The maximum penalty for breaching the law is a £5000 fine per offence.

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

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

- It is worth noting that if you are not the actual seller, and you have done all you reasonably can to prevent the sale of tobacco to children from your premises, you may be able to raise 'a defence' to any action and avoid a criminal conviction.

Good Practice

You may wish to consider the following steps to help avoid selling age-restricted products to persons underage:

- Ensure you have in place a suitable proof of age scheme for example "Think 21".
- Display posters showing age limits in the sales area, which contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff. You may also wish to display notices in staff areas, perhaps with warnings about the potential consequences of selling tobacco to children.
- Ensure new and existing staff are properly trained and that all staff are regularly reminded about the law. Keep records of any training, and when that training was carried out.
- Ensure you have a method of documenting refused sales for example a "refusal book or diary." This should be kept at the point of sale, or recorded electronically on the till. This should be completed on each separate occasion that an individual is refused a sale of a tobacco product.
- It is also good practice for the person monitoring the use of the refusals book to sign and date when their checks have been made. This will help to demonstrate that it is being monitored and used properly.
- Ensure your staff are clear about how to deal with attempted purchases by underage persons and are able to refuse sales when necessary. Have a clear policy such as asking for photo identification if there is any doubt about the person's age. You might want to consider taking a 'no ID, no sale' approach to age-restricted products.
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- If you possess an EPoS (Electronic Point of Sale) system, it may be possible to remind staff via a prompt.

Enforcement

- Trading Standards regularly ask youngsters to attempt to buy age restricted products from businesses to check that they are abiding by the law, and offenders could face fines. Please be advised that the volunteer may lie about their age.

Further advice

If you require more information or want advice on how to comply with the law on underage sales please contact trading standards by phone on 020 8379 8505. Alternatively you can send an email to trading.standards@enfield.gov.uk .

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Yours faithfully

Sheila Lahey
Fair Trading Officer

CPX/15

The Owner/Designated Premises
Supervisor
Euro Express
212-214 Chase Side
Enfield
EN2 0QX

Please reply to: Sheila Lahey
Environment Department
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8505
Fax: 020 8379 8506
Minicom: 020 8379 4419
Email: trading_standards@enfield.gov.uk
My Ref: WK/215078285
Your Ref:
Date: 9th February 2016

**FOR THE ATTENTION OF THE OWNER AND DESIGNATED PREMISES
SUPERVISOR**

Re: Sale of intoxicating liquor to persons under 18

Premises: Euro Express, 212-214 Chase Side, ENFIELD, EN2 0QX

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Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

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

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Yours faithfully

**Sheila Lahey
Fair Trading Officer**



The Planning Inspectorate

Development Manager
London Borough of Enfield
PO Box 53
Civic Centre
Silver Street
Enfield
EN1 3XE

22 March 2016

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Ali Serbet
Site Address: 212-214 Chase Side, ENFIELD, EN2 0QX

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours sincerely,

Kelly Frost
Kelly Frost

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: *CPX/16*
Customer Services:
0303 444 5000

Email:
Kelly.Frost@pins.gsi.gov.uk

www.planningportal.gov.uk/planninginspectorate

Your Ref: ENF/15/0612

Our Ref: APP/Q5300/C/15/3133549

Appeal Decision

Site visit made on 23 February 2016

by **C J Ford BA (Hons) BTP Dist. MRTPI**

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2016

Appeal Ref: APP/Q5300/C/15/3133549

Land at 212-214 Chase Side, Enfield EN2 0QX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ali Serbet against an enforcement notice issued by the Council of the London Borough of Enfield.
- The Council's reference is ENF/15/0612.
- The notice was issued on 29 July 2015.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a single storey extension and cooler/refrigeration/condenser units on the roof to the rear of the Premises.
- The requirements of the notice are to:
 - 1) Remove the single storey rear extension.
 - 2) Remove the cooler/refrigeration/condenser units from the Premises.
 - 3) Remove all resulting materials from the Premises.
- The period for compliance with the requirements is one calendar month.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and a variation.

Preliminary matters

1. At the site visit it was observed that the plan accompanying the enforcement notice does not encapsulate the full extent of the unauthorised rear extension within the defined red and blue lines.
 2. Nevertheless, the appellant understands the Council's concern is to enforce against the specified unauthorised development and the location of the site and the development are described in words in the notice. As a consequence, using the powers available to me by reason of s176(1)(a) of the 1990 Act as amended, I am satisfied the notice can be corrected by the deletion of the plan and all cross-references to it within the text of the notice, without causing injustice to the appellant.
 3. It was also observed that the cooler/refrigeration/condenser units had been moved off the roof to a location up against the rear wall of the extension. In his appeal submissions, the appellant seeks the retention of the equipment in this revised position. However, the deemed planning application must be considered on the basis of the development that had occurred when the notice
-

was served, namely with the units sited on the roof. This is to ensure the interests of third parties are not prejudiced who would otherwise be denied the opportunity of considering and commenting on what would amount to a different scheme.

The appeal on ground (a) and the deemed planning application

Main issues

4. The main issues in this case are:
 - i) The effect of the development on the character and appearance of the host building and the area.
 - ii) The effect of the development on the living conditions of neighbouring residential occupiers with particular regard to outlook and noise.

Reasons

i) Character and appearance

5. The appeal site forms the larger part of what would originally have been a short terrace located on the corner of Lavender Hill and Chase Side. Retail premises occupy the ground floor and there is residential accommodation on the floor above. The western flank of the site is visible in public views from Lavender Hill whilst the far end of the site is visible in public views from Chase Side.
6. To the rear of the commercial premises there is a permitted single storey extension that fills the space alongside an earlier small rear projection, (LPA reference: 14/04784/FUL). The Chase Side elevation to the extension is faced with red brick and the remainder of the property is predominantly white painted render.
7. The unauthorised extension is attached to the permitted scheme and occupies the majority of the remaining area to the rear of the premises. The walls are faced with light grey panelling which gives the extension an industrial appearance. The striking contrast with the materials used in the existing building and the near complete loss of space to the rear of the premises results in the extension appearing as an unduly bulky and incongruous addition. Its discordant relationship with the existing building is harmful to the visual amenity of the area.
8. It is understood the cooler/refrigeration/condenser units were moved from a longstanding position attached to the back wall of the premises, before the permitted extension was erected. Nevertheless, the impact of the new location on the roof must be assessed. The units would be visually alien features owing to their prominent high level siting and their failure to successfully integrate with the roof form.
9. In light of the above, I conclude the development has an unacceptably harmful effect on the character and appearance of the host building and the area. The development thereby conflicts with; Core Policy 30 of Enfield's Core Strategy 2010 (CS) and Policy DMD 37 of Enfield's Development Management Document 2014 (DMD). Amongst other things, these policies require developments to be high quality and design led, having regard to their context and surroundings.

10. The development similarly conflicts with the National Planning Policy Framework ('the Framework') which seeks high quality design and development that reflects the identity of local surroundings and materials. The identified harm could not be overcome by imposing planning conditions.

ii) Living conditions

11. The extension projects beyond a 45 degree line from the window of the nearest habitable room to Nos 2 and 4 Lavender Hill. It also stands close up to the common boundary. The extension's bulk, which rises above the height of the intervening fence, has an overbearing visual impact and in combination with its strident industrial appearance, it harms the outlook of the occupiers of the ground floor flat.

12. The siting of the cooler/refrigeration/condenser units on the roof would have a harmful visual impact in respect of the outlook of the occupiers of the flat above the retail premises. The appellant has also failed to provide any evidence, in the form of an acoustic report for example, which demonstrates that the Council's concern in respect of noise and its adverse impact on neighbouring residential occupiers is unfounded.

13. Accordingly, I conclude the development has an unacceptably harmful effect on the living conditions of neighbouring residential occupiers with particular regard to outlook and noise. The development thereby conflicts with; Core Policies 30 and 32 of the CS, Policies DMD 37 and DMD 68 of the DMD and Policies 7.1, 7.4 and 7.15 of the London Plan 2015. Amongst other things, these policies require developments to be high quality and aim to resist noise generating development where there is adverse impact on amenity. The development similarly conflicts with the Framework which seeks high quality design and a good standard of amenity for all existing occupants of buildings.

Other matters

14. The benefits identified by the appellant of the additional storage that the extension provides and the temperature control of goods enabled by the cooler/refrigeration/condenser units are acknowledged. So too are the costs of removing the extension. However, these considerations do not outweigh the harm identified above.

15. Furthermore, the appellant's contention that the materials used in the extension are necessary because it contains a cold store room which needs to be air tight is not accepted. A store room may be constructed to this specification with facing materials that sit more comfortably with the character and appearance of the existing building.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude the appeal on ground (a) and the deemed planning application should fail.

The appeal on ground (f)

17. In accordance with section 174(2)(f) of the 1990 Act as amended, an appeal brought under ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. As the requirements of the notice are to remove the unauthorised development, it is apparent in this case that the notice seeks to remedy the breach of planning control rather than any injury to amenity. The appeal must therefore be considered in this context.
18. The appellant has not specifically proposed any lesser steps although the action of moving the cooler/refrigeration/condenser units to a location up against the rear wall of the extension may be regarded as such a step. This would address the injury to amenity in respect of the harm to the outlook of the occupiers of the flat above the retail premises.
19. However, as there is no form of screening, the units would remain visible in public views from Chase Side and the Council's Pollution Control Officer still considers they constitute a statutory nuisance. The injury to amenity in respect of the character and appearance of the area and the living conditions of the neighbouring occupiers would therefore not be addressed.
20. In any event, I conclude the notice cannot be varied to allow for such a step because it would fail to remedy the breach of planning control. As a consequence, the requirements to remove the extension and the cooler/refrigeration/condenser units are not excessive. The appeal on ground (f) therefore fails.

The appeal on ground (g)

21. The appellant considers the compliance period of one calendar month is too short and suggests it should be extended to six months. This is to allow the appellant sufficient time to develop and secure approval of a revised scheme.
22. The requirements of the notice could be met within the specified one month compliance period. Nevertheless, the provision of temperature controlled goods is evidently a longstanding aspect of the appellant's business. One month is likely to result in a period, before any revised scheme may be approved, whereby the business is expected to operate without cooler/refrigeration/condenser units. This could adversely affect the viability of the business.
23. However, the compliance period sought needs to be balanced against the ongoing harm to the character and appearance of the area and the living conditions of neighbouring occupiers. I consider a period of three months would represent an appropriate balance between the respective interests and be reasonable. I shall vary the notice accordingly and the appeal on ground (g) succeeds to this limited extent.

Decision

24. It is directed that the enforcement notice be corrected and varied by:

- 1) the deletion of the plan that accompanies the notice.
- 2) the deletion from section 2 of:

'as shown edged red on the attached plan'.

- 3) the deletion from section 3 of:

'(outlined in blue on the attached plan for identification purposes)'.

- 4) the deletion from section 5.1 of:

'(outlined in blue on the plan for identification purposes)'.

- 5) the deletion of the words *'One (1) calendar month'* from section 6 and their substitution by the words *'Three (3) calendar months'*.

25. Subject to these corrections and the variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

C J Ford

APPOINTED PERSON



Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Euro Express
212-214 Chase Side
Enfield
EN2 0QX

Type of Application: Review Application

Worksheet number: WK/215087699

Licence Number: LN/200500647

This is a supporting statement for a review application submitted by Charlotte Palmer for the London Borough of Enfield's (LBE) licensing enforcement team.

The current premises licence holder (PLH) is a Mr Ali Serbet.

In summary I wish to make representation on the following:

- Prevention of crime & disorder

Enfield Licensing Authority are seeking a review of the premises licence on the grounds that the premises has been found to be selling non duty paid alcohol and tobacco, selling alcohol after their licensed hours on 4 occasions, breaching licence conditions and trading with an inaccurate plan attached to the premises licence.

I visited the premises in 2015 to conduct a full licence inspections as follows;

Tuesday 4th August 2015 between 12:10 and 12:30 hours, with the manager, Mr Umit Guven, who stated that the owner of the business was a Mr Ali Serbet. I explained that records did not match this information and advised Mr Guven that Mr Serbet needed to submit a transfer application as such.

The following 5 conditions were being breached:

4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read.

7. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol.

8. All training relating to the sale of alcohol 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.

10. A written record of refused sales shall be kept on the premises and completed when necessary. The record shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.

13. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

I issued Mr Guven with a notification of alleged offence under the Licensing Act 2003 (**Appendix 2**) and a record of a visit to licensed premises form. (**Appendix 3**)

I am aware that there have been a number of after-hours sales of alcohol made and non-duty paid tobacco and alcohol has been found on the premises as outlined in the representations made by Charlotte Palmer.

There have also been a number of breaches of licence conditions on the premises licence despite interventions by both myself and licensing enforcement officers from LBE.

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

It is apparent that the PLH/DPS, Mr Ali Serbet, is either incapable of, or is unwilling to operate the current premises licence as it currently stands. This being the case, I wish to support this review application and recommend that the premises licence be revoked for the reasons as set out above and in Miss Palmers review application.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 2nd April 2016

Euro Express Conditions

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. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
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 area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read.
3. Staff shall actively discourage patrons from congregating around the outside of the premises.
4. There shall be no drinks promotions that encourage illegal, irresponsible or immoderate consumption of alcohol at the premises.
5. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol.
6. All training relating to the sale of alcohol 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.
7. 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.
8. A written record of refused sales shall be kept on the premises and completed when necessary. The record shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.
9. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

10. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
11. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

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

Not applicable

CONDITIONS PROPOSED BY LICENSING AUTHORITY:

12. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
15. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.
13. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.
14. Only the Premises Licence Holder and Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
15. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.