

## MUNICIPAL YEAR 2016/17 REPORT NO.

**COMMITTEE :**  
**Licensing Sub-Committee**  
**10 August 2016**

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

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

| Agenda - Part  | Item |
|--|------|
| <b>SUBJECT :</b><br><b>Review Application</b>  |      |
| <b>PREMISES :</b><br><b>Food and Wine Express, 349 Bowes Road,</b><br><b>LONDON, N11 1AA</b> |      |
| <b>WARD :</b><br><b>Southgate Green</b>  |      |

### **1 LICENSING HISTORY & CURRENT POSITION:**

- 1.1 A new premises licence was first granted at this premises on 11 October 2007, naming Mr Jawaid Aslam as the Premises Licence Holder on premises licence (LN/200700399).
- 1.2 On 11 May 2012, the premises licence was transferred to Mr Abdul Qadeer, the current premises licence holder, who has also been the named Designated Premises Supervisor since 8 May 2012.
- 1.3 This is the first review application received for LN/200700399.
- 1.4 **The current Premises Licence permits:**  
  
**Hours the premises are open to the public:** 24 hours daily.  
  
**Supply of alcohol (off supplies only):** 24 hours daily.
- 1.5 A copy of a location map of the premises is attached in Annex 1.
- 1.15 A copy of the current premises licence (LN/200700399) is attached in Annex 2.

## **2 THIS APPLICATION:**

- 2.1 On 17 June 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/200700399.
- 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 and breaching licence conditions. The premises were advised to submit a minor variation but no such application was submitted by the applicant.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to add and modify licence conditions, and suspend the licence for a period of up to 3 months until all conditions are deemed compliant.
- 2.4 To date (26 August 2016), the premises licence holder has not indicated an agreement to any conditions sought or suspension period.
- 2.5 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.6 Each of the Responsible Authorities were consulted in respect of the application.
- 2.7 A copy of the review application and Additional Information 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**



## Food and Wine Express, 349 Bowes Road, LONDON, N11 1AA

LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET,  
ENFIELD, EN1 3XE  
[www.enfield.gov.uk](http://www.enfield.gov.uk)



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Drg.No. 6800JT  
Scale 1:1250  
Date 25/07/2016





**Sirs**  
**J & H Licensing Consultants**  
**35 Walfield Avenue**  
**Whetstone**  
**London**  
**N20 9PS**

Please reply to **Rose McMurray**  
: **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/200700399**  
Your Ref : **JH/219**  
Date : **10<sup>th</sup> May 2012**

Dear Sirs

**Licensing Act 2003**

**Premises : Food and Wine Express, 349 Bowes Road, LONDON, N11 1AA**

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](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](http://ppluk.com) and [prsformusic.com](http://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/](http://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 dark ink, appearing to read 'Rose McMurray', with a stylized flourish at the end.

Rose McMurray  
Licensing Officer



Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200700399**

**Part 1 – Premises Details**

Postal address of premises :

Premises name : **Food and Wine Express**

Telephone number : **020 8920 0400**

Address : **349 Bowes Road LONDON N11 1AA**

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**

|                    |                      |
|--------------------|----------------------|
| <b>Sunday :</b>    | <b>00:00 - 00:00</b> |
| <b>Monday :</b>    | <b>00:00 - 00:00</b> |
| <b>Tuesday :</b>   | <b>00:00 - 00:00</b> |
| <b>Wednesday :</b> | <b>00:00 - 00:00</b> |
| <b>Thursday :</b>  | <b>00:00 - 00:00</b> |
| <b>Friday :</b>    | <b>00:00 - 00:00</b> |
| <b>Saturday :</b>  | <b>00:00 - 00:00</b> |

**(2) Supply of Alcohol - Off supplies**

|                    |                      |
|--------------------|----------------------|
| <b>Sunday :</b>    | <b>00:00 - 00:00</b> |
| <b>Monday :</b>    | <b>00:00 - 00:00</b> |
| <b>Tuesday :</b>   | <b>00:00 - 00:00</b> |
| <b>Wednesday :</b> | <b>00:00 - 00:00</b> |
| <b>Thursday :</b>  | <b>00:00 - 00:00</b> |
| <b>Friday :</b>    | <b>00:00 - 00:00</b> |
| <b>Saturday :</b>  | <b>00:00 - 00:00</b> |

## Part 2

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

|                           |   |
|---------------------------|---|
| <b>Name :</b>             | Mr Abdul Qadeer                                   |
| <b>Telephone number :</b> | Not provided                                      |
| <b>e-mail :</b>           | Not provided                                      |
| <b>Address :</b>          | 114 Fleetwood Road, Dollis Hill, London, NW10 1NN |

**Registered number of holder (where applicable) :**

Not applicable

**Name and (registered) address of second holder of premises licence (where applicable) :**

|                           |  |
|---------------------------|--|
| <b>Name :</b>             | Mrs Nagina Qadeer                                      |
| <b>Telephone number :</b> | 07956 556004   |
| <b>Address :</b>          | 114 Fleetwood Road, Dollis Hill, London, , , NW10 1NN, |


**Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :**

|                           |   |
|---------------------------|---|
| <b>Name :</b>             | Mr Abdul Qadeer                                   |
| <b>Telephone number :</b> | Not provided                                      |
| <b>e-mail :</b>           | Not provided                                      |
| <b>Address :</b>          | 114 Fleetwood Road, Dollis Hill, London, NW10 1NN |

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

|                                  |                         |
|----------------------------------|-------------------------|
| <b>Personal Licence Number :</b> | 1000978                 |
| <b>Issuing Authority :</b>       | London Borough of Brent |

**Premises Licence LN/200700399 was first granted on 11 October 2007.**

**Signed :** .....

**Date :** 10<sup>th</sup> May 2012

**for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578**



## **Annex 1 - Mandatory Conditions**

- 1. No supply of alcohol may be made under the premises licence:**
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or**
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 4. A CCTV system shall be installed, operated and maintained at the premises.**
- 5. A panic-alarm system shall be installed, operated and maintained at the premises.**
- 6. Signs shall be displayed at the exit to the premises reminding customers to leave quietly and respect the neighbours.**
- 7. Signs shall be displayed at the exit to the premises stating 'You are entering a drinking control area and no alcoholic drinks are to be opened on the streets within this area.'**
- 8. The 'Think 21' proof-of-age scheme shall be operated at the premises.**
- 9. No children under the age of 14 years shall be admitted to the premises between 21:00 and 07:00 unless they are accompanied by an adult.**
- 10. The premises must be fitted with a digital Closed Circuit Television (CCTV) system, which must conform to the following points: (1) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (2) Cameras must be sited to observe the entrance doors both inside and outside, the counter areas and all alcohol displays; (3) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification - not less than 120% of screen; (4) Cameras viewing till areas must capture frames not less than 50% of screen; (5) Cameras overlooking floor areas should be wide angled to give an overview of the premises. They must be capable of detection i.e. not less than 10% of screen; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Record images as near to real time as possible;**

(13) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (14) Be regularly maintained to ensure continuous quality of image capture and retention; (15) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (16) Have signage displayed in the customer area to advise that CCTV is in operation; (17) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (18) Digital images must be kept for 31 days; (19) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (20) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (21) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (22) All access to the medium on which the images are recorded should be documented; (23) Police will have access to images at any reasonable time; (24) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (25) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.

11. If the premises operate past 01:00 'Raid Control' must be installed: (1) A time delay safe is fitted which must be secured to the fabric of the building or counter area; (2) A separate covert real time camera is fitted above the front door facing inwards. (Raid Cam); (3) A smoke note system is installed; (4) A training package is provided and all staff must be fully trained in the Raid Controls use; (5) Minimise cash in till by use of the time delay safe.

12. An alarm system to EU 50131 (or if existing system to BS4737) must be installed at the premises. A panic button facility must be provided at the counter.

13. 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. This person should be fluent in English in order to properly conduct the sale of alcohol and more importantly to refuse the sale if so required.

14. There must be 2 members of staff on duty at all times the premises are open.

15. All alcohol displays must be in full view of the counter area.

16. The till must be capable of prompting staff to ask for ID to ensure there are no under age sales.

- 17. The premises must operate the local authority or similar proof of age scheme and display the relevant material. Only passports, photographic driving licences and ID with the P.A.S.S. logo must be accepted.**
- 18. The loading and unloading from vehicles supplying either goods or services to the front or the rear of the premises shall not take place between the hours of 20.00 and 08.00. This shall include all deliveries.**
- 19. Staff shall actively discourage patrons from congregating in the vicinity of the premises.**
- 20. A method of documenting refused sales for example a "refusal book or diary" must be kept at the point of sale, or one at each point of sale where necessary, or recorded electronically on the till. This must be completed on each separate occasion that an individual is refused a sale of alcohol; where the individual does not provide the identification or the individual is suspected to be under age.**
- 21. The owner/licensee/manager must undertake routine monitoring of the refusals records.**
- 22. All staff who make sales of alcohol must receive regular training (induction and refresher) this should include: (1) Application of the "Think 21" or "Challenge 21" proof - of- age scheme or similar; (2) Penalties for selling to an under age person; (3) Asking for appropriate photographic identification; (4) The refusals process; (5) Any other information as deemed appropriate.**
- 23. Training must be documented and records kept for at least 2 years.**
- 24. Any training provided must be provided and verified by a competent person for example the designated premises supervisor.**

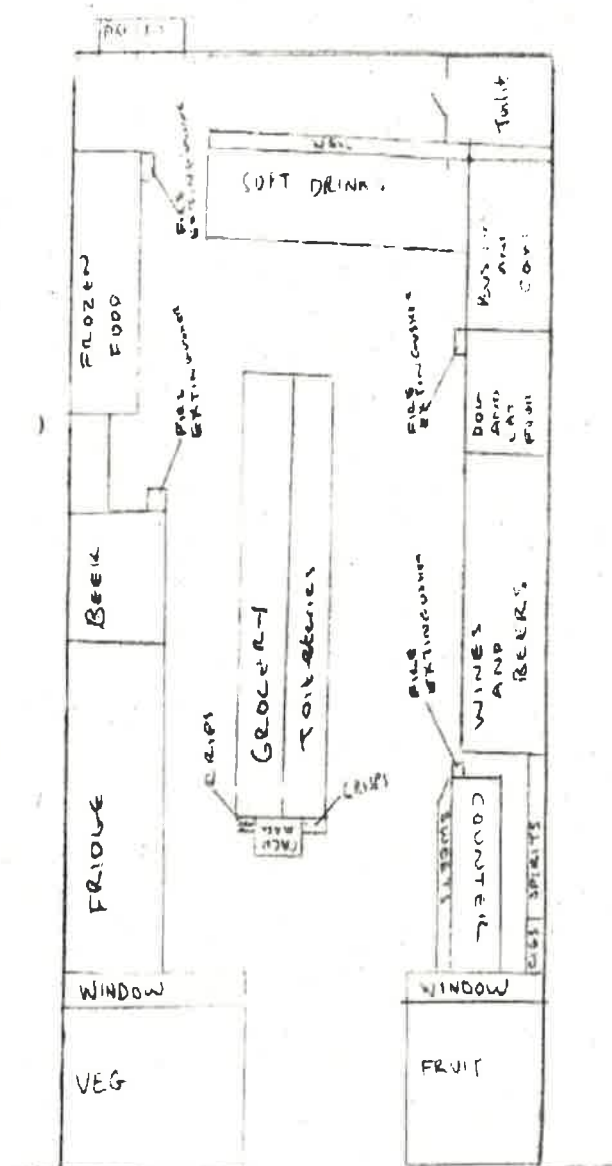
**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

**Not applicable**



## Annex 4 – Plans

Annex 4 - Plans RAWAL FOOD LAND  
369 BOWLE ROAD  
NEW WORTHGATE  
LONDON N11 1AA



SCALE 1" = 100'

**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**

|   |                             |
|---|-----------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b> |                             |
| Food and Wine Express, 349 Bowes Road   |                             |
| <b>Post town</b>  | <b>Post code (if known)</b> |
| London  | N11 1AA                     |
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b> |                             |
| Mr Abdul Qadeer   |                             |
| <b>Number of premises licence or club premises certificate (if known)</b>                   |                             |
| LN/200700399  |                             |

**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 and breaching licence conditions.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to amend the licence conditions.**

#### **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 premises was transferred to the current licence holder and the DPS varied in May 2012.'

Detailed below is the history of the premises this year:

**15/03/16** – Complaint received in relation youths causing anti-social behaviour in the area and possible under age alcohol sales taking place at this and other nearby premises.

**18/03/16 - 22.20** – Out of hours Licensing Enforcement Officers (EVG/VPK) entered the premises to carry out a full licence inspection. Met with Mr Naveed Imtiaz, a none paid family member who claimed he was just helping out from 10pm. He was unable to advise officers of whether the details of the DPS/PLH were accurate. The following 11 breaches were found:

Condition 7 - no drinking control zone sign on display

Condition 8 - no think 21 poster on display

Condition 9 - advised no unaccompanied children after 9pm

Condition 13 - no personal licence holder on site

Condition 14 - only 1 member of staff present, should be 2

Condition 16 - till not capable of till prompt

Condition 20/21 - no refusals book

Condition 22/23/24 - no evidence of staff training

Officers completed an inspection report and gave 7 days to address the breaches and advised of offences and potential review.

Mr Imtiaz advised that the premises licence holder works during day until 10pm.

During the visit, a female customer loitered at the premises entrance with a lit cigarette and came into the premises with it to pay for goods. The officers advised her and Mr Imtiaz of smoking offence. Mr Imtiaz phoned the premises licence holder and one of the officers spoke to him and then his wife on the phone. She advised that the premises licence holder could not speak English. Advised of anti social behaviour complaint, youths congregating, underage drinking in area, requested to be extra diligent. **See Appendix 1**

**06.04.16** – Trading Standards sent a letter to the premises in relation to alleged under age sales. **See Appendix 2.**

**22.04.16 - 21:42** – Licensing Enforcement Officers (EVG/CPX) entered the premises with HMRC and a sniffer dog and dog handler from Operation Wagtail to check the premises for any non-duty paid tobacco or alcohol. The Premises Licence Holder Mr Abdul Qadeer was behind the counter. Officers advised him of the purpose of their visit, and he said he didn't have anything like that. The sniffer dog found a packet of Golden Virginia hand rolling tobacco behind the counter on a shelf. Officers asked Mr Abdul Qadeer whether he had any more, he said no. The officers continued the search and a carrier bag was found behind empty crisp boxes on top of the chiller cabinet, and another carrier bag on a top shelf near the non-chilled alcohol. The bags were full of foreign labelled/non-duty paid tobacco. Further packets were found hidden in a safe. In total there was 30 x 50 g Golden Virginia rolling tobacco and 77 x 50 g Amber Leaf rolling tobacco. Before finding the second bag, Mr Abdul Qadeer was asked again whether he had any more illegal tobacco. Again he said no. The alcohol was checked by the HMRC officer and it was discovered that 22 x 70 cl Smirnoff Vodka and 12 x 70 cl Glens Vodka had fake VAT back labels. These were seized along with the tobacco. Mr Abdul Qadeer insisted that he purchased the tobacco from a cash and carry and paid in cash so was not given the receipt. He was able to produce cash and carry invoices for other tobacco and alcohol products, but these were not the problem goods. Mr Abdul Qadeer was advised that to not get a receipt was not good business practice and that it was insufficient evidence to just say he bought them from a cash and carry. He then went on to tell the officers that everyone sells illegal tobacco. HMRC seized the goods and the officers left the premises at approximately 22:15. Shortly after they left, the officers watched a white Eastern European man enter the premises clutching a carrier bag under his arm. Mr Abdul Qadeer shook his head and the man left without buying any other goods. He then entered a premises, a couple of doors down. The officers followed him, and the HMRC officer stopped him, and took the carrier bag from him. This contained approximately 80 packets of 20 non-duty paid cigarettes. The officer spoke with the male, and seized the illegal tobacco. **See Appendix 3a-i for photos taken whilst in the premises and Appendix 4a-b for HMRC paperwork.**

**13.05.16 – 20:30 – 20:50** – Out of Hours Licensing Enforcement Officers (EVG/CPX) visited the premises to check the outstanding licence conditions. The following 8 conditions were being breached: Condition 7 - No drinking area zone sign was on display. Condition 16 - Till unable to prompt for ID. A full variation application would be required if they want to remove this condition. Condition 20/21 No refusals since January 2016 - reminded to use every time a sale is refused. Condition 22/23/24 -



No training carried out since 2014. Mr Ehsan Mahmood (staff) present but not in the book. Condition 10 (7) Time on CCTV needs to be corrected (minus 50 mins). An inspection report was completed, signed and issued to the Premises Licence Holder. **See Appendix 5.** The officers gave the Premises Licence Holder a minor variation application with covering letter and a list of conditions and explained that following the recent non-duty paid seizure he was being given the opportunity to submit a minor variation to strengthen his licence conditions voluntarily rather than face a licence review. **See Appendix 6a-b.** The deadline for submitting the minor variation was set as 27<sup>th</sup> May 2106. The Officers asked the Premises Licence Holder to sign a transfer of property disclaimer so that they could destroy the goods seized but he would not sign it then and there so was issued a copy of it to read and return. **See Appendix 7.** To date this has not been received.

The deadline for submitting the minor variation past and an officer phoned the Premises Licence Holder and left them a voicemail advising that as no minor variation had been submitted a review application would be submitted. No reply was received.

To date no minor variation application has been submitted leaving the Licensing Authority with no choice but to review the licence requesting that the conditions be added/amended. The suggested amended / additional conditions are set out below:

#### Annex 2 - Conditions consistent with the Operating Schedule

3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

4. A CCTV system shall be installed, operated and maintained at the premises.

**REMOVE** – see condition 10.

5. A panic-alarm system shall be installed, operated and maintained at the premises.

**REMOVE** – see condition 12

6. Signs shall be displayed at the exit to the premises reminding customers to leave quietly and respect the neighbours.

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

7. Signs shall be displayed at the exit to the premises stating 'You are entering a drinking control area and no alcoholic drinks are to be opened on the streets within this area.'

8. The 'Think 21' proof-of-age scheme shall be operated at the premises.

**AMEND TO** - The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material.

9. No children under the age of 14 years shall be admitted to the premises between 21:00 and 07:00 unless they are accompanied by an adult.

10. The premises must be fitted with a digital Closed Circuit Television (CCTV) system, which must conform to the following points: (1) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (2) Cameras must be sited to observe the entrance doors both inside and outside, the counter areas and all alcohol displays; (3) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification - not less than 120% of screen; (4) Cameras viewing till areas must capture frames not less than 50% of screen; (5) Cameras overlooking floor areas should be wide angled to give an overview of the premises. They must be capable of detection i.e. not less than 10% of screen; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Record images as near to real time as possible; (13) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (14) Be regularly maintained to ensure continuous quality of image capture and retention; (15) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (16) Have signage displayed in the customer area to advise that CCTV is in operation; (17) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (18) Digital images must be kept for 31 days; (19) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (20) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (21) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (22) All access to the medium on which the images are recorded should be documented; (23) Police will have access to images at any reasonable time; (24) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (25) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.
11. If the premises operate past 01:00 'Raid Control' must be installed: (1) A time delay safe is fitted which must be secured to the fabric of the building or counter area; (2) A separate covert real time camera is fitted above the front door facing inwards. (Raid Cam); (3) A smoke note system is installed; (4) A training package is provided and all staff must be fully trained in the Raid Controls use; (5) Minimise cash in till by use of the time delay safe.

**REMOVE – Raid control is no longer available.**

12. An alarm system to EU 50131 (or if existing system to BS4737) must be installed at the premises. A panic button facility must be provided at the counter.
13. 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. This person should be fluent in English in order to properly conduct the sale of alcohol and more importantly to refuse the sale if so required.
14. There must be 2 members of staff on duty at all times the premises are open.
15. All alcohol displays must be in full view of the counter area.
16. The till must be capable of prompting staff to ask for ID to ensure there are no underage sales.
17. The premises must operate the local authority or similar proof of age scheme and display the relevant material. Only passports, photographic driving licences and ID with the P.A.S.S. logo must be accepted.

**REMOVE** – see amended Condition 8.

18. The loading and unloading from vehicles supplying either goods or services to the front or the rear of the premises shall not take place between the hours of 20.00 and 08.00. This shall include all deliveries.
19. Staff shall actively discourage patrons from congregating in the vicinity of the premises.
20. A method of documenting refused sales for example a "refusal book or diary" must be kept at the point of sale, or one at each point of sale where necessary, or recorded electronically on the till. This must be completed on each separate occasion that an individual is refused a sale of alcohol; where the individual does not provide the identification or the individual is suspected to be under age.

**AMEND TO** - A written record of refused sales shall be kept on the premises and completed when necessary or recorded electronically on the till. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

21. The owner/licensee/manager must undertake routine monitoring of the refusals records.
22. All staff who make sales of alcohol must receive regular training (induction and refresher) this should include: (1) Application of the "Think 21" or "Challenge 21" proof - of- age scheme or similar; (2) Penalties for selling to an under age person; (3) Asking for appropriate photographic identification; (4) The refusals process; (5) Any other information as deemed appropriate.

**AMEND TO** - All staff who make sales of alcohol shall receive induction and refresher training (at least every three months) relating to the sale of alcohol, and the times and conditions of the premises licence

23. Training must be documented and records kept for at least 2 years.

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

24. Any training provided must be provided and verified by a competent person for example the designated premises supervisor.

**Add the following conditions:**

- Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.
- Alcohol and tobacco stock shall only be purchased from registered wholesalers.
- The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.
- 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.
- 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.

\*LBE currently promote the "Think 25" policy

I also recommend the licence be suspended for a maximum of 3 months until compliance with all licence conditions has been demonstrated.

**Additional Information:**

DCMS Guidance (11.27) 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 (11.28) 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 and breaching licence conditions. The Premises Licence Holder has been given the opportunity to submit a minor variation and avoid the need for a review but has no such application has been submitted.

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

|   |          |
|---|----------|
| <b>Suspension of Licence:</b>   | <b>Y</b> |
| <b>Revocation of Licence:</b>   | <b>N</b> |
| <b>Recommended period of suspension (max 3 months):</b>   |          |
| <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> <p>The Licensing Authority tries and work with businesses, advising them and assisting them with achieving compliance with their licence conditions and all relevant legislation. As there is no previous history of non-duty paid goods being found at this premises the Licensing Authority is not seeking revocation on this occasion. The fact that the Premises Licence Holder has not taken any action in an attempt to remedy the problems and have seemingly made no attempt to achieve compliance with the licence conditions is a real concern. Should further non-duty paid goods be found in future at this premises the Licensing Authority will seek a review to revoke the premises licence in its entirety. .</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:** 17<sup>th</sup> June 2016

**Capacity:** Licensing Enforcement Officer

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

**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.

REF: WK/ 2150 86754

Appendix 1

LICN\_1

## LICENSING ENFORCEMENT INSPECTION REPORT

|                  |                     |               |
|------------------|---------------------|---------------|
| Premises Name    | Food + Wine Express |               |
| Premises Address | 349 Bawes Rd,       |               |
| Time of Visit:   | Start: 10.20pm      | Finish: 22.45 |

During an inspection of your premises on 18 March 2016, the following was checked:

Part B of Premises Licence displayed?

Yes ☒No ☐

Address &amp; tel no. of PLH &amp; 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. 7                               | No drinking control zone sign displayed at exit.                       |
| C. 8                               | No 'Think 21' poster.  |
| C. 9                               | Advised on children unaccompanied after 9pm not permitted on premises. |
| C. 13                              | No personal licence holder on premises.                                |
| C. 14                              | Only 1 member of staff present, must be 2 staff at all times.          |
| C. 16                              | Tills not capable of till prompt.                                      |
| C. 20/1                            | No refusals book.  |

Any other matter(s) that need addressing: A customer smoking cigarette entered the premises. You must not allow them in the premises - it is an offence.

C. 22/23/24 - No training of staff evidenced. PLH works in day until 10pm. cloud. L 07446103386, naginaqadeer@hotmail.com

You are required to have the above matters attended to within 7 days 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:<br>E G    | Signature: <i>Naveed</i>   |
| Print Name:<br>Ellie Green               | Print Name & Position: Non-paid Family<br>Mr Naveed Intiaz, member |
| Email/Tel:<br>ellie.green@enfield.gov.uk | Email/Tel: -   |

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

Advised of problems of youths in the area, drinking alcohol underage and causing anti-social behaviour.

Please be aware and be extra diligent in refusing underage sales



ENFIELD Council

## Appendix 2

The Owner/Designated Premises  
Supervisor  
Food and Wine Express  
345 Bowes Road  
LONDON  
N11 1AA

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](mailto:trading_standards@enfield.gov.uk)  
My Ref: WK/216001761  
Your Ref:  
Date: 6th April 2016

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

**Re: Sale of intoxicating liquor to persons under 18**

**Premises: Food and Wine Express, 345 Bowes Road, LONDON, N11 1AA**

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](http://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](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](mailto: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**