

**COMMITTEE :**  
**Licensing Sub-Committee**  
**8 March 2017**

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

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

Agenda – Part1	Item
<b>SUBJECT :</b> <b>Review Application</b>	
<b>PREMISES :</b> <b>Ordnance Supermarket, 115 Ordnance Road, ENFIELD, EN3 6AF.</b>	
<b>WARD :</b> <b>Enfield Lock</b>	

**1 LICENSING HISTORY & CURRENT POSITION:**

- 1.1 A premises licence was first granted following a conversion on 18 July 2005, naming Mr Baris SALMAN and Mr Ibrahim KORKMAZ as the Premises Licence Holders on premises licence (LN/200500760). Mr SALMAN was also named as the Designated Premises Supervisor.
- 1.2 On 24 October 2014, the Licensing Authority submitted a review based on the illicit goods being supplied from the premises.
- 1.3 On 21 January 2015, the Licensing Sub-Committee heard the review application and revoked the licence. Mr SALMAN and Mr KORKMAZ subsequently appealed this decision.
- 1.4 In September 2015, the appeal hearing was not required as agreement had been made between the two parties, resulting in a consent order stating that the licence would be suspended for 3 months, and for all LBE costs to be paid.
- 1.5 On 26 January 2016, the premises licence was transferred to Mr Mehmet KOLO, the current premises licence holder, who also varied the licence to be the named Designated Premises Supervisor from 13 January 2016.
- 1.6 On 21 November 2016, a minor variation was submitted to add on conditions, namely to prevent the supply of illicit goods, at the request of the Licensing Authority.
- 1.7 On 7 December 2016, the licence was issued following the minor variation application.
- 1.8 The current Premises Licence permits:  
  
Hours the premises are open to the public: 24 hours daily.  
  
Supply of alcohol (off supplies only): Monday to Saturday: 08:00 to 23:00, Sunday: 10:00 to 22:30.
- 1.9 A copy of a location map of the premises is attached in Annex 1.
- 1.10 A copy of the current premises licence (LN/200500760) is attached in Annex 2.

## **2 THIS APPLICATION:**

- 2.1 On 13 January 2017 an application was made by the Licensing Authority for the review of Premises Licence LN/200500760.
- 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 supplying illicit goods.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the 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 The Licensing Authority's review application, Additional Information and Appendices are 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 PREMISES LICENCE HOLDER RESPONSE:**

- 4.1 Mr KOLO has provided a statement in response to the review application and is 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:**

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:

- 5.8.1 to modify the conditions of the licence;
  - 5.8.2 to exclude a licensable activity from the scope of the licence;
  - 5.8.3 to remove the designated premises supervisor
  - 5.8.4 to suspend the licence for a period not exceeding three months;
  - 5.8.5 to revoke the licence [Act s.52].
- 5.9 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.**

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