

**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>	
115 Ordnance Road	
<b>Post town</b>	<b>Post code (if known)</b>
Enfield	EN3 6AF
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Mr Mehmet Kolo	
<b>Number of premises licence or club premises certificate (if known)</b>	
LN/200500760	

**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 non-duty paid cigarettes and hand rolling tobacco has been found at the premises.

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

**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 converted into a premises licence in 2005 and a minor variation to strength the conditions was granted in October 2011 following the discovery of counterfeit alcohol.

At that time the licence was held by Mr Baris Salman and Mr Ibrahim Korkmaz.

A review was submitted in October 2014 on the grounds that the premises had been found to be selling non-duty paid and counterfeit alcohol and the licence was revoked on 21<sup>st</sup> January 2015. The decision was appealed.

Transfer and vary DPS applications were submitted by Mr Mehmet Kolo during the appeal period but objections were submitted by the police as he has family connections with Mr Ibrahim Korkmaz and the police wanted written confirmation from the application that neither of the premises licence holders would be employed to work at the premises. These were not formally provided by the applicant although the applicant's solicitor did email the police to say he did not intend to employ them

**(Appendix 1).** The applicant later withdrew the application. The pending appeal and objections raised to the transfer mean that the applicant would have been aware that selling none duty paid goods was a serious matter which could lead to the revocation of a licence.

On the day of the appeal both sides came to an agreement and the revocation was changed to a 3 month suspension with the licence holders agreeing to pay the council's costs of £8500.

**26/01/16** - Transfer and vary DPS applications were again submitted by Mr Mehmet Kolo and were issued without objection.

**Detailed below is the history of the premises since the licence was transferred.**

**18/03/16** – Police Licensing Officer requested council officers check the premises for none duty paid goods as they had received information from police officers that whilst visiting the premises a number of customers came in asking for the cheap cigarettes.

**24/03/16** – Warning letter sent to premises. The letter included the following warning:

'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'.

**See Appendix 2.**

**29/03/16** – An officer (SML) visited the premises and advised the Premises Licence Holder / Designated Premises Supervisor of the duty diverted sale allegation and conducted a licence inspection. The person who appeared in charge was Ibrahim Korkmaz and he did all the talking. The DPS, Mehmet Kolo was serving but relied on Ibrahim Korkmaz to interpret. The officer asked the DPS if he was competent in English to challenge underage sales, but Ibrahim Korkmaz said that the DPS was never on his own. There were 3 personal licence holders, including himself, the DPS and Okes Karakil who was working at the premises. The officer checked under the counter and the outer store rooms for duty diverted products and came across Polish and Turkish larger. Some of the foreign larger was on sale. The officer asked for receipts and Ibrahim Korkmaz found them in an folder. The officer advised Ibrahim Korkmaz that the products had to be labelled in English. A full licence inspection was carried out and the premises was found to be compliant. **See Appendix 3.**

**21/09/16** – 14:05 - A non-duty paid tobacco test purchase was attempted at the premises by a plain clothes police officer and a packet of non-duty paid Marlboro Light cigarettes was sold for £5.50. The officer stated that the cigarettes were on the tobacco display behind the normal cigarettes and were sold by a Turkish male, aged around 40, with a round face, stubbly beard and short dark brown hair.

**23/09/16** – Licensing Enforcement Officers and HMRC Officers searched the premises for counterfeit and non-duty paid alcohol and tobacco. Nothing was found on this occasion despite the result of the test purchase. Officers noted that the price of some of the cans of beer on display appeared to be very cheap. If the correct duty had been paid it appeared that the premises may have been selling products at a loss. The following mandatory condition is attached to all premises licences where alcohol is one of the licensable activities.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

During the visit officers also noticed that some products were not labelled in English. Under European legislation, incorporated into UK Law, it is a legal requirement that food labelling should be "in a language easily understood by the consumers of the member states where a food is marketed." In the UK, this is accepted as being in English and is therefore an offence for retailers to supply food without English labelling. Food includes drink.

**14/10/16 – 20:35 – 21:15** - Out of Hours Licensing Enforcement Officers (EVG/CPX) visited the premises and carried out a full licence inspection. Condition 8, 9 - Training was due on 30/08/16 but had not been done. Officers requested that evidence that it has been done be sent to them. Condition 13 – Advised 'leave quietly' notice be moved to doorway so customers can read it on exit - moved at time of visit. Officers checked for non-duty paid tobacco – none found. Advised of failed test purchase and that they would be written to about this. Given 7 days to comply. **See Appendix 4 for Part B Notice and Appendix 5 for Inspection Report.**

**20/10/16** – A minor variation application with a covering letter and a list of conditions was sent to the premise licence holder. The letter explained that following the recent non-duty paid test purchase he was being given the opportunity to submit a minor variation to strengthen his licence conditions voluntarily rather than facing a licence

review. In the minor variation letter advice was given in relation to the minimum pricing and the labelling issues. The letter also included the following warning: 'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, the Licensing Authority shall take immediate action in order to have the premises licence permanently revoked and or to prosecute you'.

**See Appendix 6a-b.**

**02/11/16** – Premises Licence Holder phoned the officer and advised he would submit the minor variation but will need to speak to a solicitor to help him as he doesn't speak much English. He asked for extra time to submit the application and was given an extra 2 weeks.

**21/11/16** – Minor variation submitted along with price list and evidence that English labelling had been acquired. Licence granted 07/12/16.

**02/12/16** - A non-duty paid tobacco test purchase was attempted at the premises. No sale was made.

**06/12/16** - The premises was searched for counterfeit and non-duty paid alcohol and tobacco by council officers, HMRC officers and sniffer dogs. On arrival officers were advised by the dog handler that he had witnessed staff throwing boxes over the wall and that they had been put into a car outside. Staff at the premises denied having a key for the vehicle so officers were unable to check it despite it being registered to someone whose address was the same as the premises address. A box in the storage area was identified by the sniffer dog and was found to contain empty tobacco wrappers. The premises licence holder was asked to empty his pockets by the HMRC officers and the following goods were discovered 450g Hand Rolling Tobacco (Golden Virginia, Cutter Choice and Amber Leaf) and 17 packets of cigarettes (Marlboro Red and Marlboro Gold). The officers requested that the CCTV footage be provided for both outside cameras from 14:50 – 15:50 within the next 7 days. **See Appendix 7 for inspection report.**

**13/12/16** – CCTV footage provided on a USB stick.

**19/12/16** – Licensing Enforcement Officers visited the premises to check the refusal book and training records to see if there was any evidence that the previous licence holders were still connected to the business. The male serving behind the counter when they entered the premises was one of the previous licence holders – Mr Ibrahim Korkmaz. The officers asked him what his connection with the business was and he said that he had been named on the licence previously by mistake and that he had only ever been an employee. He said that he was still only an employee of the business.

**See Appendix 8 for signed inspection report and Appendix 9 for photos of refusal book and training records.**

**06/01/16** – Officer (CPX) viewed CCTV footage. Two camera angles were on the USB stick. Camera 6 from 14:49:58 – 15:35:44 and camera 13 from 15:40:57 – 15:46:48. Nothing could be seen being thrown over the wall on camera 6 but the footage from camera 13 was only from after the time the officer witnessed things being thrown over the wall. The footage provided neither proves or disproves anything. **See Appendix 10 for screen print of footage on UBS stick.** Officer emailed Premises Licence Holder to request footage, no response received. **See Appendix 11.**

**13/01/16** – Officer checked council records and the addresses listed for both Mr Mehmet Kolo and Mr Ibrahim Korkmaz on the council's personal licence database are the same.

If the Licensing Sub Committee is not minded to revoke the premises licence the Licensing Authority recommends that the Designated Premises Supervisor be removed from the licence, the conditions be strengthened as detailed below and the licence be suspended until a new DPS is in place and compliance with all of the licence conditions has been demonstrated.

**Add the following condition in relation to CCTV:**

- Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
- 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.
- Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- Provide a linked record of the date, time, and place of any image.
- Provide good quality images.
- Operate under existing light levels within and outside the premises.
- Have the recording device located in a secure area or locked cabinet.
- Have a monitor to review images and recorded picture quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Have signage displayed in the customer area to advise that CCTV is in operation.
- Digital images must be kept for 31 days.
- Police or authorised local authority employees will have access to images at any reasonable time.
- All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.
- The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.

**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. The current Premises Licence Holder had been warned more than once of the consequences of doing this and had already submitted a minor variation following a sale in September 2016.

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

<b>Suspension of Licence:</b>	<b>N</b>
<b>Revocation of Licence:</b>	<b>Y</b>
<b>Recommended period of suspension (max 3 months):</b>	
The Secretary of State believes that the sale of smuggled goods 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.	

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

If yes please state the date of that application

**24/10/14**

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

Review submitted on 24/10/14 on the grounds that the premises had been found to be selling non-duty paid and counterfeit alcohol. Licence revoked. Appealed and Council agreed to amend the revocation to a suspension as a transfer and vary DPS was to be submitted. Premises Licence Holder agreed to pay Council's costs.

**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 x ☐
- I understand that if I do not comply with the above requirements my application will be rejected x ☐

**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:** 13<sup>th</sup> January 2017

**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.