

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 6 NOVEMBER 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Derek Levy and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), PC Karen Staff (Metropolitan Police), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Marian Nantu (Pravalia De Acasa representative)
1 x Press representative

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WELCOME AND APOLOGIES FOR ABSENCE

Councillor Bond, Chair, welcomed all those present and explained the order of the meeting.

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DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

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**PRAVALIA DE ACASA, 428 GREEN LANES, LONDON N13 5XG
(REPORT NO. 139)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence (LN/201200420) held by Mrs Irina Anchidim at the premises known as and situated at Pravalia De Acasa, 428 Green Lanes, London, N13 5XG.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This hearing was to consider two applications, for a review of the licence and for a transfer of the licence, for Pravalia De Acasa, on Green Lanes, N13.
 - b. Currently, sale of alcohol (off supplies only) was permitted from 10:00 to 20:00 Monday to Saturday and 10:00 to 16:00 Sunday.
 - c. Currently, the premises licence holder was Mrs Irina Anchidim and the designated premises supervisor (DPS) was Ms Myroforo Christofi.

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- d. On 16/9/19 an application for review of the premises licence was submitted by the Licensing Authority, on the grounds of prevention of crime and disorder, and seeking revocation of the premises licence in its entirety. A large number of non-duty paid cigarettes had been found on the premises. The application was set out in Annex 2 of the report.
 - e. There had been no written response from the premises licence holder or from Mr and Mrs Nantu.
 - f. As the two applications to be considered at the hearing overlapped, it was suggested that all parties made their representations then the sub-committee members would retire to make the decision notices.
 - g. Mr Nantu was present, as was Charlotte Palmer on behalf of the Licensing Authority, and PC Karen Staff on behalf of the Metropolitan Police in respect of the objection to the transfer of premises licence.
 - h. It was clarified that the licence transfer application had immediate effect, but that if the sub-committee were minded to reject the application it would revert back to Mrs Anchidim.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including:
- a. The review application was to revoke the premises licence in its entirety, based on the prevention of crime and disorder licensing objective as a result of the finding of non-duty paid tobacco.
 - b. On 6/8/19 an unannounced visit was made to the premises by LB Enfield Licensing Enforcement Team officers, the Police Licensing Officer, HMRC officers and a dog handler and dogs from the Wagtail Operation. A number of packets of non-duty paid cigarettes were found. Packets also had foreign labelling and were not compliant. HMRC advised the estimated excise duty and VAT evaded on the cigarettes seized was £6684: this did not take into account any already sold.
 - c. Mr Nantu had attended a formal interview under caution. A prosecution was ongoing.
 - d. It was discovered that Mr Nantu had taken over the business in 2016 but no application to change the licence details had been submitted.
 - e. The plan on the licence was not accurate. Also, several licence conditions had not been complied with. This made officers less confident in the operator.
 - f. It was acknowledged that Mr Nantu had acted quickly to rectify matters, by submitting the transfer application and sitting a licence holder exam for instance. A minor variation application had been completed incorrectly and officers had today explained again what needed to be done, plus the requirement for a personal licence application and a DPS application.
 - g. This was the first time that smuggled goods had been found at the premises, but it was such a large amount that revocation was recommended, even in the first instance, and Home Office guidance on this was highlighted.

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- h. PC Karen Staff had also raised further concerns in respect of the operator's willingness to comply with the law.
 - i. The Licensing Authority still recommended revocation of the licence in its entirety. If the sub-committee was minded not to revoke the licence, then the Licensing Authority would ask that the licence be suspended until full compliance with the licence conditions had been demonstrated, the named DPS had been reinstated or a vary DPS application been granted, and a minor variation to update the plan had been granted.
3. Charlotte Palmer responded to members' questions to confirm that Mr Nantu had advised he had been running the business since 2016, but this was only discovered at the inspection as no notification had been sent to the Licensing Team. Legal requirements related to surrender of a licence or giving notice of changes of licence holders.
4. The statement of PC Karen Staff, including:
 - a. The Metropolitan Police objected to the transfer application on the grounds of crime and disorder.
 - b. Consideration had to be given to the operator's integrity and desire and intention to uphold the law. Mr Nantu had shown a disregard for the law due to his smuggling actions and sale of non-duty paid cigarettes.
 - c. Licence holders had to promote the licensing objectives, and Police did not have confidence that Mr Nantu would adhere to lawful regulations.
5. PC Karen Staff responded to members' questions regarding a spent conviction of Mr Nantu that this was notified as it showed a dishonest character. That crime did not have a direct bearing on a licensed premises as it related to an unrelated fraudulent act, but it was raised in respect of Mr Nantu's character.
6. The statement of Mr Marian Nantu, that he was so sorry about what happened and that he was trying to do everything he could. He wanted to give assurance this issue would not happen again and he would do everything to be a good character.
7. Mr Nantu responded to questions, including:
 - a. In response to the question from PC Karen Staff, Mr Nantu responded that he did know that the cigarettes were not allowed to be sold legally. The reason he bought them was after talking to people who had a shop like his, but the problem was that he was not given an invoice.
 - b. In response to further questions that bearing in mind the cigarettes were not legal and any invoice would have been fraudulent, Mr Nantu agreed that he did not have the cigarettes on show because he knew they were not legal. The cigarettes had been bought from a man in a van and he knew that was illegal.

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- c. In response to the question that for a first time this had been a large amount of money to invest in cigarettes, Mr Nantu advised this was the amount the seller had and asked him if he wanted to buy.
8. The summary statement of Ellie Green, Principal Licensing Officer, including:
 - a. Having heard the representations from all parties it was for the sub-committee to consider steps which were appropriate and in support of the licensing objectives, as set out in part 5 of the officers' report in respect of the review. Attention was also drawn to the relevant law, guidance and policies and that where a sub-committee determined that the crime prevention objective was being undermined it was expected that revocation of the licence – even in the first instance – should be seriously considered.
 - b. In respect of the transfer application, the sub-committee must decide whether to grant the application or to refuse the application.
 - c. In response to members' queries it was confirmed that if the transfer was refused the licence would revert to Mrs Anchidim, but any revocation of the licence would also apply in that case.
 9. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the Licensing Authority considered it appropriate for the licence to be revoked, even in a first instance.
 10. PC Karen Staff confirmed that her earlier statement still stood.
 11. Mr Nantu reiterated that he was so sorry and this would not happen again.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“The Licensing Sub-Committee has considered all the representations and has decided to revoke the licence given that the crime prevention objective has been undermined in that the premises have been used for the sale and storage of smuggled tobacco.”

3. The Licensing Sub-Committee resolved to revoke the licence.

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**PRAVALIA DE ACASA, 428 GREEN LANES, LONDON N13 5XG
(REPORT NO. 140)**

RECEIVED the application made by Mr Marian Nantu and Mrs Mariana Nantu for the premises known as and situated at Pravalia De Acasa, 428 Green Lanes, London, N13 5XG for a transfer of Premises Licence LN/201200420.

NOTED that this application was discussed alongside the review application as above.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“The Licensing Sub-Committee has considered the application to transfer the premises licence and has decided not to grant the application as it has a lack of confidence with the applicants running the premises and adhering to the lawful regulations with a premises licence.”

3. The Licensing Sub-Committee resolved that the application be refused.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting held on Wednesday 2 October 2019.

AGREED the minutes of the meeting held on Wednesday 2 October 2019 as a correct record.