

**MUNICIPAL YEAR 2019/20 REPORT
NO.187**

COMMITTEE:
Licensing Sub-Committee
22 January 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
	SUBJECT: Application for a New Premises Licence
	PREMISES: EURO INTERNATIONAL, 212-214 CHASE SIDE, ENFIELD, EN2 0QX.
	WARD: Chase

1 LICENSING HISTORY:

- 1.1 Mr Ali Arslan was named as the Premises Licence Holder on premises licence (LN/200500647) since 11 July 2007. The licence had previously been issued to Rasu Enterprise Ltd following a conversion.
- 1.2 The named Designated Premises Supervisor (DPS) at this time was also Mr Ali Arslan, who held this position between 1 August 2005 and 10 August 2015.
- 1.3 On 7 May 2010, Trading Standards submitted a review of the licence in response to the large number of complaints alleging underage sales that had been received. Trading Standards sought to modify conditions of the licence, which was granted by the Licensing Sub-Committee on 23 August 2010.
- 1.4 On 21 August 2015, a transfer application was granted naming Mr Ali Serbet as the premises licence holder. This application was not subject to any representations.
- 1.5 On 25 August, a vary DPS application was granted naming Mr Ali Serbet as the new DPS. This application was not subject to any representations.
- 1.6 On 18 March 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/200500647.
- 1.7 The review application related to the prevention of crime and disorder licensing objective and was made because the premises were found to be selling non-duty paid alcohol and tobacco, selling after the licensed hours on four occasions, breaching licence conditions and trading with an inaccurate plan attached to the premises licence, since July 2015.
- 1.8 On 27 April 2016, the Licensing Sub-Committee considered that it was appropriate, for the promotion of the licensing objectives, to revoke Premises Licence LN/200500647. The Decision Notice from this hearing is produced in Annex 1.

- 1.9 On 22 June 2016, a new application, subject to representations, was granted premises licence LN/201600266, naming Mr Haci Siringul as the premises licence holder and DPS. The Decision Notice from this hearing is produced as Annex 2.
- 1.10 On 7 September 2018, a transfer and a vary DPS application were granted naming Mr Hikmet Samsun as the premises licence holder and DPS. This application was not subject to any representations.
- 1.11 On 19 October 2019, Mr Samsun surrendered premises licence LN/201600266.

2.0 THIS APPLICATION:

- 2.1 On 31 October 2019 an application was made by Mr Ali Serbet for a new premises licence.
- 2.2 Mr Serbet is the same as the individual as mentioned in paragraphs 1.4 to 1.8 above.
- 2.3 The proposed Designated Premises Supervisor is also Mr Serbet.
- 2.4 The application seeks:

Activity	Times originally sought by new application	Timings of previous licence LN/201600266
Opening hours	06:30 to 00:00 (midnight) daily	06:30 to 00:00 (midnight) daily
Supply of alcohol (off sales)	08:00 to 00:00 (midnight) daily	08:00 to 00:00 (midnight) daily

- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the application is attached as Annex 3.
- 2.7 Mr Serbet attended the Licensing Sub-Committee hearing on 18 December 2019, where he requested an adjournment so that he could seek legal advice to attend the hearing. This request was granted.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 **The Licensing Authority and Metropolitan Police:** Representations have been made, objecting to the application in its entirety, based on the prevention of crime and disorder licensing objective.

- 3.2 The Licensing Authority's representation and additional representation is attached as Annex 4.
- 3.3 The Metropolitan Police's representation is attached as Annex 5.
- 3.4 Mr Serbet has provided a written response to the representations, which is produced as Annex 6.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1 Although the Licensing Authority has objected to the grant of this new application, should the licensing sub-committee be minded to grant the licence, they would like conditions to be attached to the licence. The conditions arising from this application are attached as Annex 7. The applicant has agreed all the conditions.

5.0 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 April 2017 ('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)].

Hours:

- 5.5 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.13].
- 5.6 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure

that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].

Determining actions that are appropriate for the promotion of the licensing objectives

- 5.7 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. [Guid 9.42]
- 5.8 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. [Guid 9.43]
- 5.9 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. [Guid 9.44]

Review (for background information for previous review applications):

- 5.10 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].
- 5.11 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].

- 5.12 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].
- 5.13 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:

- 6.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 6.2.1 the steps that are appropriate to promote the licensing objectives;
 - 6.2.2 the representations (including supporting information) presented by all the parties;
 - 6.2.3 the guidance; and
 - 6.2.4 its own statement of licensing policy [Guid 9.38].
- 6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.3.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.3.4 to reject the application [Act s.18].

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

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