

Appendix 1

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 / [Councillors and democracy \(https://new.enfield.gov.uk/services/councillors-and-democracy/\)](https://new.enfield.gov.uk/services/councillors-and-democracy/)
 / [Agenda and minutes \(ieListDocuments.aspx?CId=217&Mid=9164&Ver=4\)](#) / Agenda item

Agenda item

ASYA WINE CENTRE, 495 HERTFORD ROAD, ENFIELD, EN3 5XH (REPORT NO. 167)

- **Meeting of Licensing Sub-Committee, Wednesday, 11th February, 2015 10.00 am (Item 405.)**
 (ieListDocuments.aspx?CId=217&MID=9164#AI33114)
- **View the background to item 405. (mgIssueHistoryHome.aspx?IId=38564)**

Application to review a premises licence.

Minutes:

RECEIVED the application made by the Licensing Authority for the review of the Premises Licence held by Mr Uygur Altun at the premises known as and situated at Asya Wine Centre, 495 Hertford Road, Enfield, EN3 5XH.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, that a request for the adjournment of the hearing had been received this morning on behalf of the Premises Licence Holder.
2. The statement of Mr Philip Howarth, Barrister, representing Mr Uygur Altun, (Premises Licence Holder and Designated Premises Supervisor), that he had just met Mr Altun and may need to take some further instructions from him, but he would be asking for an adjournment because a number of matters had arisen in respect of an application to vary the Designated Premises Supervisor. However, the panel may first wish to hear the full introduction by the Principal Licensing Officer.
3. The introductory statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application to review the Premises Licence of Asya Wine Centre.
 - b. The review was brought by the Licensing Authority.
 - c. The Licensing Authority considers that it is appropriate to revoke the Premises Licence, in order to support the prevention of crime and disorder licensing objective.
 - d. The application was supported by the Metropolitan Police Service, who also considered that it was appropriate to seek revocation of the licence.
 - e. All parties had received a bundle of colour photographs, which were referred to on page 13 of the agenda in respect of the licence inspection on 11 July 2014 as Appendix 1.
 - f. Additional information in respect of the Licensing Authority representation dated 6 February 2015 and admitted by the Chair on 9 February 2015 had been circulated to all parties.
 - g. The licence had been held by Uygur Altun since 24 April 2006.
 - h. Uygur Altun had also been the Designated Premises Supervisor since 22 May 2009.
 - i. This morning, solicitors on behalf of Mr Altun had made valid an application to vary the Designated Premises Supervisor from Uygur Altun to Halil Bolat. This was requested to be made with immediate effect in accordance with the Licensing Act 2003 s.13.
 - j. The Police had two weeks to consider the variation application. If the Police considered it suitable, the application would be granted and Mr Bolat's name would be added to the licence as Designated Premises Supervisor. If the Police made an objection, a hearing of the Licensing Sub Committee must be called.
 - k. The Premises Licence would still be held by Uygur Altun and Mr Altun would remain the named Designated Premises Supervisor and be deemed to have the responsibilities of that position for the next two weeks.
4. The statement of Mr Philip Howarth, Barrister, in clarification, including the following points:
 - a. One of the reasons that an application had been submitted to vary the Designated Premises Supervisor was to address many of the concerns raised by the responsible authorities.
 - b. He therefore invited the panel to consider an adjournment so that everything could be done properly. Solicitors had informed him that a valid application had been made. He suggested that it would be better and make more sense to bring this matter back when the Police had had the opportunity to consider the variation application.
 - c. The Premises Licence Holder also had a number of other proposals, including reductions of hours when alcohol would be sold, and changes in the shop.
 - d. There had been a spot check on 5 February 2015 which he understood to have been basically satisfactory. He would imagine that responsible authorities would again want to make checks, including that the new Designated Premises Supervisor could meet all conditions of the licence, and he would ask for adjournment so that could be done.

- e. He confirmed that a complete adjournment of the hearing was requested for about two weeks so that these matters could be sorted out. This would make sense so that all matters could be heard together and all parties would know the exact situation.
5. The advice of the Principal Licensing Officer that Uygur Altun had three months' notice of today's hearing. The application to vary the Designated Premises Supervisor had been made this morning. Potentially, that variation application could be withdrawn in two weeks' time. This Premises Licence had been held for a number of years. Uygur Altun was in attendance at this hearing, and he remained the licence holder responsible for operation of the licence. The variation application should not be material to a decision at this meeting. The Licensing Authority had rejected proposals for reduction of hours and still sought revocation of the licence.
6. The Chair advised that the hearing was going to go ahead. He acknowledged the points made on behalf of the Premises Licence Holder but the sub-committee were minded to hear the review application today. The review application had been made on 4 November 2014, which was three months' ago, and related to a specific matter, which warranted consideration today. A change of Designated Premises Supervisor could be covered outwith of this hearing. The Chair clarified the process and order of the meeting.
7. The Chair granted a request for a five minute adjournment to allow Mr Howarth to explain the procedure to Mr Altun as he was not sure that English was his first language.
8. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. The Licensing Authority were requesting revocation of the Premises Licence of Asya Wine Centre.
 - b. On 11 August 2014 Trading Standards received allegations that the premises had been selling under the counter cigarettes for some time. On 15 August 2014 this was proved true as a sale was made to an officer carrying out a test purchase.
 - c. On 22 August 2014 an inspection found Famous Grouse whisky with duty stamp obliteration stickers removed on display.
 - d. These discoveries undermined the licensing objective of the prevention of crime and disorder.
 - e. 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.
 - f. This was not the first instance at this premises. The same person had held the licence since 2006. In 2009 Mr Altun was prosecuted following the seizure of vodka containing dangerous levels of methanol.
 - g. Conditions to the licence were strengthened, and the licence holder was warned in writing. Therefore the licence had conditions already included which were the additional conditions which the Licensing Authority would seek when such issues were discovered.
 - h. In May 2014 a letter in respect of new mandatory conditions attached to the licence was sent to the premises from the Licensing Team and including a further advice warning from Trading Standards.
 - i. There had been repeated breaches of licensing conditions especially Condition 15 that a personal licence holder be present on the premises throughout the permitted hours for the sale of alcohol.
 - j. Officers also had concerns regarding drugs paraphernalia for sale on the counter.
 - k. Charlotte Palmer had hand delivered the licence review application to the premises and had witnessed a customer with £5 in their hand ask for duty free cigarettes. Other officers had witnessed similar occurrences at the premises.
 - l. The premises was located within the Enfield Highway Cumulative Impact Policy (CIP) area.
 - m. There was already crime and disorder in this area. Activities at this premises could be adding to problems in the area.
 - n. The Licensing Authority had no confidence in those running this premises and they therefore asked for the licence to be revoked.
9. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
- a. The Police supported the application by the Licensing Authority for revocation of the licence.
 - b. Research was carried out on the Police intelligence systems in relation to this premises: no results came back.
10. Questions were invited on the introductory statements:
- a. The Chair asked the Principal Licensing Officer's views on the drugs paraphernalia and how that would undermine licensing objectives. It was advised that the equipment being sold was for smoking cannabis and would encourage such activity, eg Rizla papers, and grinders to grind it into a more usable material to smoke, and the scales could be used for other drugs. The equipment would encourage people to partake in illegal and nefarious activities.
 - b. In response to the Chair's queries about offences alleged arising from the 15 August 2014 test purchase, Charlotte Palmer confirmed that tobacco products legally must have health warnings written in English; and it was an offence under the Licensing Act 2003 to keep smuggled goods at the premises. The packet of cigarettes sold to the officer had foreign labelling – that was an offence – and having smuggled goods was an offence.
 - c. In response to the Chair's queries about the Licensing Enforcement Officers' visit on 5 February 2015 set out in the Licensing Authority's additional information, Charlotte Palmer confirmed that at this inspection there were entries in the refusals book (there were 13 entries since the last visit, in comparison to none in the previous month). There was also a record that six named staff had received training on 23 January 2015 – the same date as the previous

inspection. The Premises Licence Holder had said that the training was done that day after the officers had left. Charlotte Palmer advised that there were not normally six staff at the premises at the same time, and it could be questioned whether Mr Altun would be able to get them all in. The inspection on 23 January 2015 had taken place in the evening, at 19:40. Therefore if the training had taken place on that day they would have had to get all six people in on that evening. She confirmed that a personal licence holder was present at the 5 February 2015 visit, and that this visit was not a pre-booked appointment.

d. In response to further queries by Councillor Jagge, Charlotte Palmer confirmed the new entries had been made in the training records book since the previous inspection on 23 January 2015, and they set out the date of training, what the training was in, and who was trained. It was recorded that on 23 January 2015 six named people had received training. The date of 23 January 2015, at 19:40, was the last time that officers visited, to carry out a full licence inspection, and advised the licence holder that conditions were being breached, including Condition 6 and 7 relating to training.

e. In response to the question from the licence holder's representative about whether there was a prescription or legal requirement around how training should be done, or at any particular time or place, the wording of Conditions 6 and 7 of the licence were highlighted. Induction and refresher training (at least every three months) were required.

f. In response to further queries from the licence holders' representative that Mr Altun would have been told of compliance problems in no uncertain terms at the 23 January 2015 visit and it would not be surprising if he had then called in all his staff, Charlotte Palmer advised that officers would have told the licence holder which conditions he was breaching and how to comply. She had given the facts of the officer visits on 23 January and 5 February 2015.

g. The licence holder's representative asked about the novelty bags, scales, etc, noting that it was open for those items to be sold, that they were available from wholesalers and frequently promoted at cash and carry establishments. Charlotte Palmer responded that it was not illegal to sell these items, but that she had never seen them displayed in such a manner, on the counter, where sweets were also displayed.

h. The Principal Licensing Officer referred to the offer by the licence holder to reduce the hours for sale of alcohol and asked for the views of the Licensing Enforcement Officer on that offer. Charlotte Palmer confirmed that the licence holder had offered a reduction in hours to sell alcohol only between 10:00 and 23:00, which was just less than the CIP hours. She confirmed that the Licensing Authority still rejected this proposal or a proposal for a period of suspension of the licence: they still stood by their position of seeking revocation of the licence. The Licensing Authority remained concerned about how the premises were run, despite compliance now, there had been such a pattern over a number of years.

11. The statement of Mr Philip Howarth, Barrister, on behalf of the licence holder, including the following points:
 - a. He was accompanied by the Premises Licence Holder, Uygur Altun.
 - b. It had taken some time to get to this position; it had been argued that there had been a pattern over a few years, but the case did not have the intensity which may have been seen in others.
 - c. Trading Standards had clearly been concerned, but had conceded that there is compliance with the licence now. It may be that Uygur Altun had not approached matters in the way he should have, but signs were now positive that he is complying with the licence conditions at the moment and has made sensible concessions in respect of hours.
 - d. It was important that the premises created no more issues in the CIP area. It may well be that it would make policing easier by bringing hours into line with other off sales in the area.
 - e. The panel had the power to revoke the licence, but also to take other actions. The panel were required to look at the lowest sanction first, being mindful of the aims of the Licensing Act, and any sanction must be appropriate and proportionate.
 - f. He questioned whether it would be most appropriate to revoke the licence, and urged the panel to consider a position in between, to enable the business to continue in a structured and lawful way without undermining the Licensing Act.
 - g. Mr Altun had proposed a change of Designated Premises Supervisor and personal licence holder.
 - h. Mr Altun proposed a reduction in hours that alcohol was sold.
 - i. Mr Altun proposed structural changes to the shop to ensure that sales of alcohol could not be made outside the set hours.
 - j. There would be no drug related paraphernalia in the shop or in the same area of the shop as alcohol sales.
 - k. He requested consideration of a period of suspension of the licence, when trade in alcohol would not be permitted, to allow the licence holder to 'put their house in order'.
 - l. It may be that Trading Standards would want to add further conditions to the licence for Mr Altun to be able to prove the source of goods and that there were no more incidents of non duty paid goods. All of these things could be built into a licence as they were easily verifiable. Mr Altun had started complying with the refusals book. The panel may want to stop him from trading until this was done, by suspending the licence.

12. Questions were invited on the representation:
 - a. The Chair highlighted that the licence holder had "started complying with the refusals book", but checked and received confirmation that he had held the licence since 2006, had been prosecuted in 2009, and had varied the licence to strengthen conditions in 2012.
 - b. The Chair questioned why the licence holder had not acted on the letter of May 2014 and the Trading Standards advice that tobacco and alcohol must be bought from a reputable supplier and products must be evidenced by receipts, given the smuggled goods found at the premises in August 2014. It was responded that Uygur Altun was not

making the purchases at that time. Purchasing was being done by someone else who came to help him. Mr Altun accepted that he had been in the wrong as he was responsible as the licence holder, but it could be seen that he was making a determined and focused effort now to put things right.

c. The Chair further questioned whether this may be acting too late, given that Mr Altun had operated the licence for nine years. Mr Howarth was not sure what advice Mr Altun may have had in the past, but that after this hearing he would be told that he could not be running a business, especially a regulated business, in such a way, and he had to be clear about what his responsibilities were. However, the panel's decision-making was not meant to be punitive. The business had to operate with regard to the licensing objectives, but the response had to be proportionate.

d. Councillor Vince asked about the non duty paid goods found and whether Mr Altun had asked for receipts for the goods and whether receipts had been seen by officers. Mr Howarth conceded that Mr Altun had no details and was not given receipts for these products. His general impression of how Mr Altun ran the business was that he tended to get goods from a variety of wholesalers. His record keeping was arguably very poor at that time. In meeting new conditions he would be required to make improvements in receipt keeping and proving that all duty payable goods were coming from reputable suppliers. In response to further questioning about receipts, it was advised that Mr Altun did keep invoices now and that goods were purchased from reputable sources. Mr Altun had been able to show invoices and where goods were from on recent officer inspections.

e. Councillor Vince expressed concerns that this premises was near to a very large secondary school and that sales may be made to youngsters, given the history of non compliance with licence conditions. It was responded that Mr Altun had gone some way in recent times to make proper efforts that sales were correctly refused. A refusals book was kept up to date. 'Challenge 25' notices were up and facing the right way, and Mr Altun had called in all staff to receive training.

f. In response to Councillor Vince's further queries in relation to training, it was advised that Mr Altun now knew that he had to undertake staff training regularly and it had to be verifiable. Mark Galvayne noted that the conditions regarding training had been on the licence since 2012. Mr Howarth conceded that regular staff training should have been undertaken in the past, but that did not happen. But looking forward to the future it would be ensured that verifiable records were kept and all new workers would be trained. Officers were also invited to strengthen conditions as necessary. Mark Galvayne noted that Condition 6 set out how often training should be carried out and Condition 7 set out the records to be kept. These were conditions already on the licence.

g. The Chair raised that the operation of the licence was not the reason for this review, but rather the sale of counterfeit goods, and asked about the previous prosecution. The licence holder's representative responded that this was quite some time ago. Mr Altun was complying with the licence. There may be further steps to be taken in respect of verifying how he operated his business to the satisfaction of Trading Standards and the Police over an intense period so that everything was correct. He would submit that was an appropriate way forward.

h. The Chair asked about public health implications of sale of counterfeit goods. It was advised that Uygur Altun conceded on that, but these were specific incidents. What had been reported from Trading Standards and the Police did not amount to continuing issues, but were specific serious incidents of breaching the licence which warranted action, but could be made right by giving Mr Altun time.

i. The Chair drew attention to five occasions reported when the Premises Licence Holder was not on the premises during licensed hours, and that allowing purchases to be made by an unnamed person may also be considered irresponsible. It was advised that Mr Altun conceded this was so. He wanted to address the issue by transferring the licence to someone who was there all the time.

j. In response to the Chair's request for confirmation that Mr Altun would still be the Premises Licence Holder. Mr Howarth advised that he would need to take further instruction and clarification, but from the solicitors he understood that further concessions were to be made and that a valid application to vary the Designated Premises Supervisor had been submitted. He would say that revocation in the immediate aftermath of such a breach could be appropriate, but not in this situation where measures could be taken to put all matters in order. There had been recent compliance. The situation was not so chronic that only revocation was appropriate and in the public interest.

k. Charlotte Palmer asked if Uygur Altun could please confirm his home address, and when he moved to that address. This was confirmed as 29 Mayfield Road, Enfield, EN3 7LS and he had moved there two weeks ago.

l. Charlotte Palmer asked why a copy of the review application which had been sent to the Premises Licence Holder's address given on the licence (6 Martins Drive, Cheshunt) had been returned marked "addressee unknown" on 11 November 2014, and why no action had been taken when officers advised that the address on the Premises Licence needed to be changed. It was an offence not to advise the Licensing Authority of a change of address under the Licensing Act. It was responded that Mr Altun used a number of family addresses and that the Martins Drive address was still used. However, Mr Altun had experienced domestic problems which were the reasons for changing his address. He was not able to explain why members of his family sent his post back. Mr Altun had been at Mayfield Road for the last two weeks and was in the process of notifying everyone that this was his new address and that he would no longer be using the Cheshunt address. Mark Galvayne confirmed that no notification or appropriate fee for the change of address had been received by the Licensing Authority, and noted that Mr Altun had been represented over the last three months by Oakfield Solicitors.

m. Charlotte Palmer asked if Mr Altun could confirm that on 23 January 2015 officers advised that his address needed to be changed. Mr Howarth advised that Mr Altun had started living at the Mayfield Road address at about that time.

n. Charlotte Palmer asked about Mr Halil Bolat, advised as the potential new Designated Premises Supervisor, and his relationship to Mr Altun. It was advised that Mr Bolat was not a relative, but an employee and it was planned to install him as manager to run the entire business on Mr Altun's behalf. Mr Altun would remain the business owner.

- o. Charlotte Palmer raised the offer made to reduce licensed hours, but asked how that would solve the issues of concern of non duty paid goods at the premises. It was advised that reduced hours were not designed to address that issue, but to address concerns that the policing of the business was causing more problems than it should and its impact in the CIP area. The aim was to bring the operation's licensed hours into line with the zone. In respect of non duty paid goods, there had been specific incidents, but nothing since January. There was no evidence of an ongoing pattern of breaches. The origin of goods could be verified.
 - p. Councillor Vince asked when a change of address should be notified. Mark Galvaye confirmed that "forthwith" was the requirement.
 - q. In response to Councillor Vince's query why the Licensing Authority was not notified of the change of address straight away, it was advised that initially this had been an ad hoc arrangement for Mr Altun with a friend, around the 25 January 2015. He conceded that notification should have been made as soon as practicable, but his situation had to be considered in the context of his domestic problems and having to move all his belongings. Mark Galvayne advised that failing to notify a change of address as soon as reasonably practicable was an offence and subject to a £500 fine under Section 33 of the Licensing Act. He would consider 'reasonably practicable' as the next working day.
 - r. In response to the Chair's question about relevance of licensed hours to the issues of concern, it was advised that the reduction in hours would address points in relation to the CIP and policing generally and would seem to be an appropriate step to take. There were other conditions on the licence that could be strengthened to address other issues.
 - s. In response to the Chair's further queries about the suggestion that Halil Bolat be installed as manager and whether he was a current member of staff, it was advised that he was now working as an employee. He was not one of the named members of staff recorded as having received training on 23 January 2015. He had started working at the premises after that date. He would be trained.
13. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraphs 4.6 to 4.8 of his report.
 - b. This was not the first instance of criminal activities. Over six years of trading there had been instances in 2009, 2012 and 2014.
 - c. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
 14. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
 - a. There was a pattern of illicit tobacco and alcohol at this premises, in 2009, 2012 and 2014.
 - b. The Premises Licence Holder had already been given a second chance and the licence strengthened so that it had included suitable conditions already for some time.
 - c. The licence holder had a history of breaching conditions.
 - d. The Licensing Authority considered that the appropriate action was revocation of the licence.
 15. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's application for revocation of the Premises Licence.
 16. The closing statement of Mr Philip Howarth, Barrister, on behalf of the licence holder, including the following points:
 - a. There had to be regard to the overall objectives of the Licensing Act, including that businesses should continue to operate within the law.
 - b. All issues raised by Trading Standards and the Police could be met over a period of time, and a suspension of the licence should be considered so that proper rigorous systems could be put in place under a new manager.

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:

"Having read and listened attentively to the written and oral representations, the Licensing Sub-Committee (LSC) has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence of the Asya Wine Centre.

The LSC believes in particular that the offences as raised in terms of the sale of counterfeit and non-duty paid goods not just go against the prevention of crime and disorder, but – with respect to unlawful alcohol sales - runs the risk of compromising public safety. As such, the LSC was persuaded that the Licensing Authority has made its case in full.

Although we have heard that additional conditions and reduced hours have been offered by the Premises Licence Holder, and that he has begun to undertake relevant staff training in order to address the uncontested breaches of conditions identified, the LSC was not satisfied that this would be sufficient or appropriate. The panel believes existing conditions as agreed by the Minor Variation to the licence dating back to March 2012, arising from counterfeit alcohol again being found on the premises at that time, address all of the issues proposed by the Premises Licence Holder in making this offer.

The panel also heard that the Premises Licence Holder offered to reduce the hours during which alcohol may be sold as a mitigating and corrective factor, and to bring the premises in line with the cumulative impact policy as applies in this area. However, we were not persuaded by the arguments made in the submission on the basis that the sale of counterfeit and non-duty paid goods is not time sensitive. Furthermore, the full licence inspection which occurred at 19:40 on 23 January 2015, being more than two months after the review application was made, additionally revealed a series of non-conformity with current conditions. Initially on that day, and we heard further evidence regarding five other separate occasions, Mr Uygur Altun was not present on the premises when the officers arrived. This repeated breach of Condition 15 was a matter of specific concern.

The report from the subsequent visit made on 5 February 2015 appears to confirm remedial action had been taken to bring outstanding conditions of the licence into compliance. However, with regard to staff training, whilst we heard that there is nothing in law to direct when and where such training should be undertaken, the panel considered that the capacity to have properly prepared and delivered appropriate training to six members of staff during shop opening hours on the very same day and in such a short time frame in the aftermath of the previous inspection (19:40 on 23 January) lacked credibility.

The LSC has applied significant weight to both the Council's Licensing Policy and Home Office statutory guidance - especially sections 11.24, 11.26 and 11.27 - whereby the matter of selling counterfeit and non-duty paid goods should be taken seriously, even in the first instance.

In this case, the Premises Licence Holder has been discovered on four occasions – initially in 2009, from which a prosecution followed against Mr Altun for counterfeit alcohol on the premises where he was convicted following the seizure of 25 bottles of vodka containing excessive levels of methanol. Then on 30 March 2012, counterfeit alcohol was again found on the premises. Most recently, and twice in August 2014, first non-duty paid tobacco was found on the premises (15 August); and only a week later (22 August) non-duty paid alcohol was again found on the premises.

The LSC was concerned that the Premises Licence Holder had failed to act upon the advice given at the time of the first offence, subsequently in a guidance letter, dated March 2012, then specifically via the guidance letter sent on 28 May 2014, and information conveyed at in-store licensing inspections. The papers refer specifically to copies of the inspection report from 23 January 2015 being signed by and left with Mr Altun.

We heard that there was an absence of any receipts to validate that the goods constituting the offences as presented by the Licensing Authority were purchased from a reputable supplier. The failure and inability to produce such receipts to the inspectors at the time of visits in August, in the aftermath of those visits, or at any time in between subsequent visits and the hearing of the case today – and the explanations provided by the Premises Licence Holder – contributed to the decision taken by the LSC.

In addition, the LSC was advised by both the Principal Licensing Officer and the Premises Licence Holder that an application to vary the Designated Premises Supervisor had been made today. This process will play out in due course over the next two weeks. The LSC did not believe that this step carried sufficient weight to influence the decision arrived at.

The information we were given to consider was not persuasive, and relates to a decision only recently taken by the current Premises Licence Holder and Designated Premises Supervisor, whose judgement and decision-making has (through the review) been brought into question.

The LSC was minded to accept the case put by the Licensing Authority supported by the Metropolitan Police Service that they have no faith or confidence in the Premises Licence Holder to operate the licence in the present, or impact on its future. We heard strong evidence of repeated breaches of conditions in the past, not least the fact that Condition 15 had been breached on five occasions.

We did acknowledge that steps to bring the Licence into compliance with regard to identified entries in the refusals book and staff training had been taken, but only very recently.

However, the main focus of our attention was in the context of the principal issue that brought about the review, being the sale of counterfeit and non-duty paid goods – on several occasions.



As such, the evidence presented in support of this, in combination with the policy and Statutory Guidance being applied, has sufficiently informed the decision we have taken and which we believe to be appropriate and proportionate for the promotion of the licensing objectives.

The matters of breaching conditions were compounding factors which reinforced our decision. Though offers were made on hours and conditions, as set out above, we took the view that beyond being inappropriate, it was too little and too late.

The LSC views the fact that the Premises Licence Holder has held a licence for these premises for almost nine years as an aggravating factor."

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

Supporting documents:

- **Asya, item 405.**  PDF 2 MB (documents/s49989/Asya.pdf)
- **110215 LICENSING AUTHORITY ADDITIONAL INFORMATION 2, item 405.**  PDF 145 KB (documents/s50128/110215 LICENSING AUTHORITY ADDITIONAL INFORMATION 2.pdf)

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