

**MUNICIPAL YEAR 2019/20 REPORT  
NO.245**

**COMMITTEE :**  
**Licensing Sub-Committee**  
**18 March 2020**

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

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

<b>Agenda - Part</b>	<b>Item</b>
<b>SUBJECT :</b> <b>Review Application</b>  <b>PREMISES :</b> <b>Carpathina Ltd 337 Bowes Road, N11 1BA</b>  <b>WARD :</b> <b>Southgate Green</b>	

**1 LICENSING HISTORY & CURRENT POSITION:**

1.1 A new premises licence (LN/201700925) was issued to **Mr Iulian Frasinescu** on 8 March 2018 without objection.

1.2 The named Designated Premises Supervisor (DPS) has also been **Mr Iulian Frasinescu**, since the licence was issued.

1.3 No previous review applications have been submitted.

1.4 A minor variation application was submitted on 18 September 2018 at the request by Licensing Enforcement, following a seizure of illicit tobacco. The application was granted with modified conditions on 3 October 2018.

**1.5 The current Premises Licence permits:**

**Hours the premises are open to the public:** From 06:00 to 22:00 daily.

**Supply of alcohol (off supplies only):** From 11:00 to 22:00 daily.

1.15 A copy of the current premises licence (LN/201700925) is attached in Annex 1, Appendix 4.

**2 THIS APPLICATION:**

- 2.1 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201700925 and is produced in Annex 1, including Additional Information.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found a second time on the premises i.e. non-duty paid cigarettes.
- 2.3 **The review application is to revoke the premises licence in its entirety.**
- 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.

### **3 RELEVANT REPRESENTATIONS:**

- 3.1 No representations were received from the Responsible Authorities in respect of this review application.
- 3.2 Mr Iulian Frasinescu has responded to the review application, which is now produced in Annex 2.

### **4 PROPOSED LICENCE CONDITIONS:**

- 4.1 Trading Standards have stated that no further conditions could be added to the premises licence.
- 4.2 Trading Standards further request that if the Licensing Sub-Committee is minded not to revoke the licence that the licence be suspended until full compliance with the licence conditions has been demonstrated and a vary DPS application has been received who is competent to meet the conditions.

### **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 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)].

**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:**

- 5.9 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 :
- 5.9.1 to modify the conditions of the licence;
  - 5.9.2 to exclude a licensable activity from the scope of the licence;
  - 5.9.3 to remove the designated premises supervisor
  - 5.9.4 to suspend the licence for a period not exceeding three months;
  - 5.9.5 to revoke the licence [Act s.52].
- 5.10 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.**

**Contact Officer :**  
**Ellie Green on 020 8379 8543**