

**MUNICIPAL YEAR 2019/20 REPORT
NO.243**

COMMITTEE :
Licensing Sub-Committee
8 April 2020

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application	
PREMISES : Maxi Wine Centre, 495 Hertford Road, ENFIELD, EN3 5XH.	
WARD : Enfield Highway	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 The premises has held a licence to be an off licence since 10 February 2006 (LN/200500412).
- 1.2 This licence was subject to a minor variation in 2012 due to counterfeit alcohol being found on the premises.
- 1.3 This licence was reviewed in 2015 following repeated breaches of condition and illicit tobacco being found on the premises.
- 1.4 The premises licence (LN/200500412) was revoked by the Licensing Sub-Committee.
- 1.5 For the full background of this licence and review application, follow this link [here](https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=9164&Ver=4) or <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=9164&Ver=4> .
- 1.6 The premises licence holder at this time was Mr Uygur Altun.
- 1.7 On 26 August 2015, a new premises licence (LN/201500460) was granted to Mr Ali Riza Tulu, subject to modified conditions through representations by the Responsible Authorities, specifically including a condition that Mr Altun is not to be connected with the business.
- 1.8 Mr Tulu has also been the named Designated Premises Supervisor (DPS) since the grant of the new licence (LN/201500460).
- 1.9 No review applications have been submitted in relation to premises licence LN/201500460.

1.1 The current Premises Licence permits:

1.1.1 Hours the premises are open to the public: 24 hours daily.

1.5.2 Supply of alcohol (off supplies only): 10:00 to 00:00 (midnight) daily.

1.15 A copy of Part A of the current premises licence (LN/**201500460**) is attached in Annex 1.

THIS APPLICATION:

1.2 On 24 January 2020 an application was made by Enfield Council's Trading Standards for the review of Premises Licence LN/201500460 and is produced in Annex 2.

1.3 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. Breaches of licence conditions have also been witnessed. The premises has a history of similar issues in general.

1.4 **The review application is to revoke the premises licence in its entirety.**

1.5 The review application was advertised in accordance with the requirements of the Licensing Act 2003.

1.6 Each of the Responsible Authorities were consulted in respect of the application.

2 RELEVANT REPRESENTATIONS:

2.1 **Metropolitan Police:** Representations have been made, supporting the review application and also seek full revocation of the premises licence, based on the prevention of crime and disorder licensing objective.

2.2 The Police's representation is attached as Annex 3.

3.2 Mr Ali Riza Tulu has not responded to the review application to date.

3 PROPOSED LICENCE CONDITIONS:

3.2 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 to consider adding two conditions. The full list of conditions is produced in Annex 4.

4 RELEVANT LAW, GUIDANCE & POLICIES:

- 4.1 The paragraphs below are extracted from either :
 - 4.1.1 the Licensing Act 2003 ('Act'); or
 - 4.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2017 ('Guid'); or
 - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are :
 - 4.3.1 the prevention of crime and disorder;
 - 4.3.2 public safety;
 - 4.3.3 the prevention of public nuisance; &
 - 4.3.4 the protection of children from harm [Act s.4(2)].
- 4.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 4.4.1 the Council's licensing policy statement; &
 - 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

- 4.5 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].
- 4.6 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].
- 4.7 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].

4.8 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:

4.9 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 :

4.9.1 to modify the conditions of the licence;

4.9.2 to exclude a licensable activity from the scope of the licence;

4.9.3 to remove the designated premises supervisor

4.9.4 to suspend the licence for a period not exceeding three months;

4.9.5 to revoke the licence [Act s.52].

4.10 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.

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