

MUNICIPAL YEAR 2021/22 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
4 August 2021

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application	
PREMISES : Montague Supermarket, 171 - 173 Montagu Road, Edmonton, N18 2NA	
WARD : Lower Edmonton	

1 LICENSING HISTORY & CURRENT POSITION:

171 Montagu Road (LN/200501036)

1.1 On 9 August 2005 an application by Mr Suresh Patel to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.

1.2 On 10 December 2008 Mr Suresh Patel surrendered the Premises Licence.

171-173 Montagu Road (LN/200700571)

1.3 On 22 January 2008 an application by Mr Bulent Danisan for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.4 On 4 December 2008 an application by Mr Bulent Danisan for variation of the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.5 On 30 September 2009 an application by Mr Emrah Ozdil for transfer of the Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers.

1.6 On 07/06/2010, premises licence LN/200700571 was reviewed by Trading Standards following an underage sale test purchase of alcohol was made from the premises. Conditions to strengthen the licence was applied.

1.7 On 19 April 2012 Mr Emrah Ozdil surrendered the Premises Licence.

171-173 Montagu Road (LN/201200258)

1.8 On 15 June 2012 an application by Mr Yilmaz Celik for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.9 On 6/11/2013, premises licence LN/201200258 was reviewed by the Licensing Authority following two underage sale test purchases of alcohol

was made from the premises within 3 months of each other. Conditions to strengthen the licence were applied.

1.10 On 27/09/2013 Mr Yilmaz Celik also became the Designated Premises Supervisor.

1.11 On 21/06/2016, a minor variation application by Mr Yilmaz Celik was issued. The minor variation was submitted at the request of the Licensing Authority following a seizure of illicit tobacco and spirits found at the premises. Conditions were added to strengthen the licence.

1.12 The current Premises Licence LN/201200258 permits:

1.12.1 Hours the premises are open to the public: 07:30 to 23:00 daily.

1.5.2 Supply of alcohol (off supplies only): 07:30 to 23:00 daily.

1.15 A copy of Part A of the current premises licence LN/201200258 is attached in Annex 1.

1.0 **THIS APPLICATION:**

2.1 On 9 June 2021 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201200258 and is produced in Annex 2.

2.2 The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that illicit tobacco have been sold from the premises, and on a further date, illicit tobacco was seized from the premises. This is not the first occasion illicit tobacco has been found at the premises. Furthermore, breaches of licence conditions are alleged to be breached, in particular in relation to the prevention of illicit tobacco being sold from the premises.

1.3 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.

3.0 **RELEVANT REPRESENTATIONS:**

3.1 No representations have been received in response to this review by Responsible Authorities, Other Persons or Mr Yilmaz Celik.

4.0 **PROPOSED LICENCE CONDITIONS:**

4.1 If the Licensing Committee is not minded not to revoke the licence in its entirety then the Licensing Authority recommends some amendments be made to the existing licence conditions. The full list of conditions arising from this application

is produced in Annex 3. Mr Yilmaz Celik has not indicated an agreement to these 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 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;

1.3.5 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.

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