

Decision Notice

Resolution

Review of premises license for Oz Sultan – 348 High Road Wood Green, London N22

The Committee carefully considered the application for a review of the premises licence for Oz Sultan, the representations of Trading Standards and the Licence holder, the Council's Statement of Licensing Policy and the s182 Licensing Act 2003 Statutory Guidance.

The Committee resolved:

- a) To suspend the Licence for a period of 3 weeks and
- b) To impose the following conditions on the Licence as agreed with Trading Standards:
 1. The business shall adopt a "Challenge 25" policy.
 2. A refusals register shall be maintained to record instances where age restricted product sales are refused. These records shall be made available for inspection by Police and authorised Council officers on request.
 3. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.
 4. Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.
 5. Only Employees of the business who have been formally trained on licensing requirements and age restricted sales may serve behind the counter.
 6. The refusals register shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This register shall contain:
The date and time of the incident,
The product which was the subject of the refusal
A description of the customer,
The name of the staff member who refused the sale
The reason the sale was refused.
 7. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from a wholesaler registered with HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).and shall produce receipts for the same upon request for inspection.
 8. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
 9. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. AWRS registration number
- V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to authorised officers on request.

10. An ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.

11. Where the trader becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.

12. Only alcohol which is available for retail sale shall be stored at the licensed premises.

13. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for 'Tobacco Stock' shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.

14. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the under counter shelf marked for 'Tobacco Stock' in order to make a sale.

15. Only tobacco which is available for retail sale can be stored at the licensed premises.

16. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

17. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.

18. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or authorised Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.

19. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.

20. Where a locked safe, cupboard or stock storage area is maintained at the licenced premises within the designated sales or stock room area during normal opening hours, immediate access to these locked areas shall be provided on request of Police or an Authorised officer who wishes to carry out an inspection. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed by the Authorised Officer.

21. The till age prompt system will be activated for the sale of all age restricted products.

22. Mr Mehmet Aydemir will not be permitted to manage or be in control of the shop or be employed at the premises without appropriate supervision from the licence holder, DPS or other person nominated by the licence holder in writing and notified to the licensing authority.

Reasons

This review arises in connection with crime relating to the sale and storage of smuggled tobacco plus a breach of the licensing condition relating to underage sales.

The Committee had regard to the 182 guidance which recommends that where licensed premises are being used for criminal activity such the sale or storage of smuggled tobacco or alcohol, this should be treated particularly seriously. The Guidance also requires licensing authorities to take very seriously the illegal sale of alcohol to minors.

The Committee were satisfied that the Licence holder was aware of his statutory obligations and the requirements of good practice in respect of the licensed premises.

The Committee were concerned about the failed test purchase on 4th August 2021 when a 16 year old was sold alcohol by the Licence Holder's brother Mr Mehmet Aydemir . It accepted that he may have had personal issues that were affecting him, but that does not an excuse him not undertaking his due diligence in checking the appropriate ID. If any member of staff was unable to comply with their legal obligations the Committee would expect the Licence Holder to ensure that they were not serving customers.

The discovery of illicit tobacco on the premises on 20th October 2021 in circumstances where Mehmet Aydemir tried to deliberately conceal it from the inspecting Trading Standards Officers and mislead them, only giving them the combination for the safe containing it after they had been forced to remove it, was also of great concern. The licence holder and DPS Mr Turac Aydemir was abroad at the time but it was his responsibility to ensure that the business was being properly run and operating lawfully in his absence. It was noted that the combination/key was provided to Trading Standards upon his instructions.

In light of these factors the Committee seriously considered revocation or a lengthy suspension of the Licence.

The committee however considered the representations made by the Licence holder and gave him credit for trying to turn things around. He has undertake refresher training for Mr Mehmet Aydemir and other staff and has agreed to more robust conditions including the operation of a refusals register, operation of a Challenge 25 policy, the introduction of a till age prompt, conditions relating to the purchase and storage of tobacco stock and a condition that Mr Mehmet Aydemir will not be left to run the business unsupervised.

The Committee considered that this is a family run business which derives its main revenue from alcohol sales and that a lengthy suspension would have a very negative financial impact. It decided that in light of the more robust conditions and the financial impact of a lengthy suspension, it would be proportionate to impose a 3 week period of suspension which would give the Licence holder an opportunity to demonstrate his ability to promote the licensing objectives.

The Committee could not stress enough how seriously the prevention of crime and disorder and protection of children from harm licensing objectives had been undermined and therefore imposes the suspension to deter the Licence holder from allowing similar breaches in future.

Informative

The Committee would like the License holder to be in no doubt that the licensing objectives have to be promoted and the Licence holder has to be actively involved to make sure this happens. If he is unable to exercise the necessary control over the day to day running of the business he should consider whether to appoint someone else as DPS.