

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE A HELD ON THURSDAY, 14TH JANUARY, 2016, 18:30

PRESENT:

Councillors: Peray Ahmet (Chair), Clive Carter and James Patterson

Also present:

Officers

Daliah Barrett (Licensing), Michelle Williams (Legal), Sarah Benning (Tactical Enforcement), Derek Pearce (Enforcement Response) & Charles Buckle (Enforcement Response) and Philip Slawther (Clerk)

Applicants

Mr Georgi Marinov.

Mr Ifeanyi Kingsley Oliver.

Responsible authority representatives

Mark Greaves, Metropolitan Police, Daliah Barrett (Licensing Team Leader)

1. FILMING AT MEETINGS

The Chair referred Members present to agenda item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein

2. APOLOGIES FOR ABSENCE

Apologies were noted from Cllr Basu. Cllr Patterson attended as substitute.

3. URGENT BUSINESS

None

4. DECLARATIONS OF INTEREST

None

5. SUMMARY OF PROCEDURE

NOTED the procedure summary for Licensing Sub-Committee hearings, pages 1-2 of the agenda pack), which the Chair introduced drawing attention to the four licensing objectives.

6. BG GUNAYDIN, 596 HIGH ROAD, LONDON N17

RECEIVED the application for the expedited review – To determine the application for the Summary Review – DG Gunaydin– 596 Tottenham High Road, London N17 as detailed on pages 3 to 81 of the agenda pack.

a. Licensing Officer's Introduction

The licensing officer, Daliah Barrett, introduced the application for an expedited review contained in the agenda pack. NOTED that the expedited review was brought by the Police against the above named premises for storage and selling of large quantities of non-duty paid alcohol and tobacco on licensed premises as well as counterfeit tobacco. The Licensing Sub-Committee decided to take the interim step of suspending the premises licence with immediate effect. The expedited review was brought under the licensing objective of the prevention of crime and disorder as well as in the interests of public safety.

The licensing authority was required to arrange a hearing to determine the application for a full review of the premises licence within 28 days commencing the day following the day on which the application was received. A public notice was displayed by the Licensing Authority at the premises and at the Civic Centre, and a copy placed on the Council's website for no less than seven days, commencing on 16th December 2015. Members were advised that the interim steps taken on 17th December 2015 would cease to have effect on the determination of the application for summary review (subject to right of appeal).

b. Police Representation

NOTED the representation by Sarah Benning, Interim Tactical Enforcement Team Leader, on behalf of Mark Greaves from the Metropolitan Police, including that: Officers from the Council and Police visited the premises on 9th December, following a complaint received through Crimestoppers alleging sales of illicit goods at the store. Mr Marinov was present on site during the visit, in which officers uncovered a variety of goods that should not have been made available for sale at the premises ranging from illicit tobacco, non-duty paid cigarettes and tobacco, non duty paid alcohol, prescription only medication that should only be available through a pharmacy and skin lightening creams that were not permitted to be sold in the UK. A quantity of money was also found in various places around the store.

All of the goods were seized and taken to the police station. On the 10th December 2015, Mr Marinov was cautioned and interviewed according to the Police and Criminal Evidence Act (PACE) 1984 regarding the alleged offences under the Licensing Act 2003, Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended), the Trade Marks Act 1994 and the Medicines Act 1968. During

the interview Mr Marinov admitted that he sold the medication, alcohol and tobacco to customers.

Ms Benning advised the committee that some of the tobacco seized had been confirmed as counterfeit by the brand holder.

The following questions were put to Mr Marinov.

The Committee requested clarification on the counterfeit tobacco, in response officers advised that only the tobacco seized which was branded as Golden Virginia had been examined by a representative from the relevant brand holder and confirmed as being counterfeit. The rest of the seized goods had not been sent off for analysis as to whether the product was counterfeit or whether they were non duty paid goods from overseas. Mr Greaves advised that the suspicion was that the goods seized were a mix of both. The remaining goods had been passed to HMRC.

The Committee asked whether officers knew what types of medication were recovered. Officers advised that representatives from the Medicines Council were due to inspect the medication the following week but preliminary investigations suggested that the goods seized included anti-biotics, skin-whitening creams, and at least one type of steroid.

c. Representation from Trading Standards.

NOTED the representation by Felicia Ekemezuma, Environmental Health (Commercial) Trading Standards Manager on behalf of Environmental Health, including that: Illicit alcohol and tobacco fed the current glaring health inequality due to its adverse impact on poorer people due to their reduced cost. Illicit alcohol and tobacco had been found to contain harmful chemicals which could have potentially very serious side effects. They also undermined the governments efforts to reduce smoking and drinking.

The Committee was also advised that in terms of skin lightening creams, recent illegal products found on the market contained a dangerous compounds such as steroids, hydroquinone and tretinoin. The long term use of these products could lead to health concerns such as permanent pigmentation, skin cancer and liver damage amongst others.

c. Representation from Public Health.

NOTED the representation by Deborah Millward, Healthy Public Policy Officer on behalf of Public Health. The Committee noted that smoking was the leading cause of early death and ill health with 50% of smokers dying prematurely. Research showed that high tobacco prices reduced consumption and was the single most effective mechanism to reduce demand for tobacco. Widespread availability of cheap counterfeit tobacco therefore undermined the effectiveness of high tobacco tax rates. Ms Millward also advised that improving healthy life expectancy was one of the ambitions contained within the Council's Health and Wellbeing Strategy and supported Priority 2 of the Corporate Plan.

In response to a question around whether the alcohol found was either counterfeit or non-duty paid, Officers responded that the HMRC representative was looking into the alcohol seized as a non-duty paid issue. Officers advised that the majority of tobacco products seized in similar raids tended to be counterfeit.

The Committee requested that counterfeit goods such as alcohol and tobacco, were referred to as 'more harmful' in future reports.

d. Premises Licence Holder's response to the representations

NOTED the representation by the applicant, who requested that the Committee allow him to continue to run his business. The applicant had no questions for the Committee.

The following questions were put to the applicant by the Committee.

Mr Marinov was asked when he undertook the training course required to become Premises Licence Holder and whether it was given to him in language he understood. In response, Mr Marinov told the Committee that he was unsure of when he undertook the training and that the course was done in Turkish, so he fully understood the training.

The Committee enquired as to the extent to which it could be confident that a licence holder understood the training and the responsibilities involved in becoming Premises Licence Holder. In response, Ms Barrett advised that she had undertaken the training and it was a comprehensive course that covered all of the various aspects involved, including all of the relevant offences.

The Committee questioned the extent to which Licensing Officers were reliant upon the assurances of a translator that licence holders understood what was required of them. Ms Barrett advised in response that applications were often received from agents on behalf of their clients and that unless a visit was made to the applicant it was difficult to know that there was a language barrier or that the applicant may not have understood something. Mr Greaves added that once a Premises Licence Holder had passed an accredited test, there was no further documentary evidence required.

Mr Greaves advised the Committee that Mr Marinov had legitimate alcohol for sale in the premises and so the inference would be that he understood the difference between legitimate and illicit goods and understood where an appropriate place to purchase such goods was. In the view of the Metropolitan Police, the premises had been managed in such a way that they undermined the principles of prevention of crime and disorder objectives of the Licensing Act 2003. The Metropolitan Police advised that they had no faith in the licence holder running their business in a legal manner and therefore requested that the licence be revoked.

19:50 the Committee retired to make decision. Returned 20:30hrs

DECISION

The Committee carefully considered the review application, the certificate issued by the Police, all of the representations made, as well as the council's statement of licensing policy, the Section 182 guidance and its legislative duties under the Crime and Disorder Act and 1998 and the Human Rights Act 1998.

In particular the Committee had regard to the advice in Paragraph 11.27 of the Section 182 guidance that the sale or storage of smuggled tobacco and alcohol is the type of criminal activity that should be treated particularly seriously on review.

In coming to its decision the Committee took into account of the fact that the Premises licence holder was also the DPS and was therefore fully in control of the premises. He confirmed that he had undertaken accredited training regarding his responsibilities as a Premises licence holder and DPS and understood them. The Committee was satisfied from the evidence given by the Interim Tactical Enforcement Team Leader that the licence holder knew that the activities being conducted were illegal and noted that he had gone to lengths to conceal the non-duty paid alcohol and tobacco, counterfeit tobacco, medicines and skin lightening creams that were found for sale at the premises.

The Committee considered that the Premises license holder was deliberately trading irresponsibly, in breach of the licensing objective of the prevention of crime and disorder. This activity was also directly linked to a licensable activity. The Committee was also satisfied on the evidence from Trading Standards and Public Health that the goods being sold presented a serious danger to the health of the wider community which constituted a breach of the licensing objective to promote public safety.

Given the deliberate and serious nature of the alleged offences, the substantial quantities of illicit goods seized and the potential harmful impact on the wider community, the Committee decided that other measures would be insufficient to promote the licensing objectives of the prevention of crime and disorder and public safety. The Committee therefore RESOLVED that it was proportionate and appropriate to revoke the license.

The Committee also RESOLVED that the suspension of the license shall continue until the decision to revoke the license takes effect or the expiry of 3 months, whichever occurs first.

This decision to revoke the license is stayed from coming into effect for 21 days from notification of the decision or, if an appeal is lodged, until the determination of that appeal.

7. CHIDOS, 98 WEST GREEN ROAD, LONDON N15

RECEIVED the application for the review of Chidos Social Club Premises License – 98 West Green Road, London N15 as detailed on pages 83 to 124 of the agenda pack and also pages 1 to 28 of the supplementary agenda pack.

a. Licensing Officer's Introduction

The Licensing Team Leader, Daliah Barrett, introduced the application for a review of the Chidos Social Club Premises License, referring to the documents contained in the agenda pack. NOTED that report related to an application for the review of Chidos Social Club Premises Licence by Charles Buckle – Enforcement Response Officer, under the prevention of public nuisance licensing objective and breaches of licensing conditions.

Ms Barrett advised that a number a complaints had been received from residents of men congregating outside the premises and of noise disturbance emanating from the premises. The licence holder was spoken to in August 2015 following admitting that he had lock-ins and operated beyond the hours of his licence. He was issued with warning letters and an interview to make sure that he understood that he must comply with the hours placed on the licence for the opening times. Further monitoring visits to the premises by Enforcement Response found the premises to be regularly operating beyond its permitted hours.

b. Representations from Charles Buckle, Enforcement Response Officer

NOTED the representation by Derek Pearce, Enforcement Response Team Leader & Charles Buckle, Enforcement Response Officer on behalf of Haringey Council, including that: a request for a review of the licence was brought due to the failure of the licence holder to uphold the prevention of public nuisance and prevention of crime and disorder objectives of Licensing Act 2003.

Mr Pearce advised that the times of licensable activities were suitable for the type of premises and location. The licence permitted the supply of alcohol from 10:00-22:45 Monday to Sunday and the opening hours of the premises were 10:00-23:00 Monday to Sunday. Enforcement Response commented the issue was that the premises had been operating beyond those hours. Mr Pearce summarised the complaints that Enforcement Response had received regarding the premises during the period March 2015 to November 2015. The Committee considered the frequency of complaints and the actions taken in response to those complaints.

Mr Buckle advised the committee that he had visited the premises on a number of occasions in response to the complaints received and then fed back to the Committee on what he observed during these visits. The Committee considered that on a number of occasions the premises was observed operating beyond licensed times and that regulated entertainment was also observed taking place on some occasions. The Committee noted that on each of these occasions the appropriate warning letter regarding regulated entertainment and/or operating beyond permitted times were sent. The warning letters were included in the supplementary agenda pack at pages 15 to 27.

The Committee asked for clarification on the number of different complainants involved. Officers responded that they did not have the details to hand but added that there was more than one complainant. Officers also confirmed that a public notice of

this premises review meeting was put up outside the premises and that the Ward Members had been advised.

In response to a question from the Committee on whether the applicant had responded to any of the warning letters, officers advised that no response had been received.

Police Representation

NOTED the representation by Mark Greaves on behalf of the Police representative, including that: a letter was submitted to Mr Oliver in August 2014 following complaints by residents (page 123 of the agenda pack) that outlined the fact that one condition of the license was that CCTV recordings should be held for 31 days and made available to an Authorised Officer or Police officer within 24 hours on request. Mr Greaves advised that upon visiting the premises, the applicant was unable to operate the CCTV system and retrieve any footage and the camera covering the entrance was not in a position to take head and shoulder images of persons entering the venue. Mr Greaves advised that the Police received a further complaint of nuisance emanating from the venue in the early hours of 24th May 2015. On January 2nd 2016 Mr Greaves attended the venue along with Ms Barrett and observed a large group of males present at the venue after hours.

d. Applicant's response to the representations

NOTED the representation by Mr Oliver, including that: Most of the noise that residents were complaining about did not emanate from his premises. Instead, that the noise came from a large group of people who congregated on West Green Road of the premises and bought alcohol from a local off-licence. Mr Oliver commented that the area was designated as an alcohol free zone and that he had pointed this out to the Police when they visited his premises.

Mr Oliver advised that on the occasions his premises had been visited, no alcohol was being served after hours and the front shutters were down. Mr Oliver also advised that the persons witnessed as being present during these visits were his family and friends and that no customers were present. In addition, any noise coming from the premises was from the television as the premises did not have a music system.

The following questions were put to Mr Oliver.

The Committee raised concerns that the licence holder had not responded to any of the communication sent to him either by the licensing authority or Police. In response, Mr Oliver stated that he had a problem with his mail and that a lot of his mail was delivered to the flats above his premises instead. Mr Oliver stated that his registered address had recently changed. The Committee noted that it was Mr Oliver's responsibility to update the Licensing team with updated details so that his address could be changed on his personal licence.

The Committee asked for clarification as to whether Mr Oliver had not received any of the letters sent to him. Mr Oliver replied that he had received a number of the letters

but that he received them much later than intended and only when the residents above his premises brought them to him.

In response to a query about whether CCTV footage was ever received from the licence holder, Mr Greaves advised that he didn't think that the footage was ever received.

Mr Oliver agreed that he needed to manage the situation better and stated that recently he had been keeping to his permitted opening times and operating within the conditions of his licence. Mr Greaves responded that the premise was open after hours and a number of people were witnessed on the premises during his last visit at 23:38 on the 2nd January.

The licensing authority requested that a number of additional conditions be added to the licence in order to improve the management of the premises.

21:13 the Committee retired to make decision. Returned 21:53hrs

DECISION

The Committee carefully considered the review application and representations made as well as the council's statement of licensing policy and the section 182 guidance. The Committee was satisfied that the Premises Licence Holder had operated past the permitted licensing hours thus causing some nuisance to residents and had continued to do so despite several warning letters from both the Council and Police.

The Committee therefore RESOLVED that conditions of the licence be modified as follows:

- A complaints book to be held on the premises to record details of any complaints received from neighbours. The information should include where disclosed the complainants name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council officers.
- Signs should be displayed requesting patrons to leave the premises quietly and to behave in a courteous manner.

The Committee also recommended that regular liaison meetings be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities.

The Committee would like to remind the Premises Licence Holder that closure of the premises requires complete vacation of the premises by all persons when the opening hours end.

Informative

The Committee noted that despite several warnings the operating hours were not being observed and should a further review be brought before the Committee, the

Premises Licence Holder should be aware that there would be a risk that the licence could be suspended or revoked.

There was evidence that some of the warning letters may not have been received therefore the Premises Licence Holder is advised to provide up to date contact details to Council's Licensing department as soon as possible.

8. ITEMS OF URGENT BUSINESS

None.

Meeting finished at 10:00.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date