

## NOTICE OF MEETING

# LICENSING SUB COMMITTEE B

**Tuesday, 27th August, 2019, 7.00 pm - Civic Centre, High Road,  
Wood Green, N22 8LE**

**Members:** Councillors Gina Adamou (Chair), Dhiren Basu and Viv Ross

Quorum: 3

### **1. FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### **2. APOLOGIES FOR ABSENCE**

### **3. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be considered at item 10 below).

### **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

**5. MINUTES (PAGES 1 - 10)**

To approve the minutes of the previous meeting of the Licensing Sub Committee B held on 1<sup>st</sup> August 2019.

**6. SUMMARY OF PROCEDURE – NEW PREMISES APPLICATION (PAGES 11 - 12)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or the Gambling Act 2005. A copy of the procedure is attached.

**7. APPLICATION FOR A NEW PREMISES LICENCE 4 MEVSIM LTD, 640-642 LORDSHIP LANE LONDON N22 5JH (PAGES 13 - 58)**

To consider an application for a new licence to allow licensable activity namely, the sale of alcohol at the retail unit. The premises holds an existing licence for 642 Lordship Lane but the application before the LSC is for a new licence seeking to incorporate an additional shop unit at 660 Lordship Lane, N22.

**8. SUMMARY OF PROCEDURE - REVIEW (PAGES 59 - 60)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or the Gambling Act 2005. A copy of the procedure is attached.

**9. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 (PAGES 61 - 114)**

To consider an application for the review of the Premises Licence for Tilson Stores, 40 Tilson Road London N17 9UY.

**10. ITEMS OF URGENT BUSINESS**

To consider any new items of urgent business admitted under item 2 above.

Glenn Barnfield, Principal Committee Co-ordinator  
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Bernie Ryan  
Assistant Director – Corporate Governance and Monitoring Officer  
River Park House, 225 High Road, Wood Green, N22 8HQ

Friday, 16 August 2019

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**MINUTES OF THE MEETING OF THE LICENSING SUB  
COMMITTEE B HELD ON THURSDAY, 1ST AUGUST, 2019, 19:00  
- 21:00**

**PRESENT:** Councillors Gina Adamou (Chair), Viv Ross and Reg Rice.

**9. FILMING AT MEETINGS**

Noted.

**10. APOLOGIES FOR ABSENCE**

Councillor Rice substituted for Councillor Basu.

**11. URGENT BUSINESS**

There were no items of urgent business.

**12. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**13. MINUTES**

**Resolved**

That the minutes of the meeting held on the 15<sup>th</sup> January 2019 be approved as a correct record of the meeting.

**14. SUMMARY OF PROCEDURE**

The Chair outlined the summary of procedure.

**15. APPLICATION FOR A PROVISIONAL STATEMENT - SEVEN BROTHERS, 72-76  
HIGH ROAD TOTTENHAM LONDON N15 6JU**

Preliminary Matter

At the outset, the Committee was informed that the Applicant had modified the application to revise the supply of alcohol time from 24 hours to 06:00 until 01:00. Further, regarding the conditions proposed by the Licensing Authority, the Applicant did not agree to those but did agree to those presented by Public Health, with the exception of the high strength alcohol sale restriction (no super-strength beer, lagers or ciders of 6.5% ABV [alcohol by volume]).

### Licensing Officer

Daliah Barrett, Licensing Officer, introduced this application for a provisional statement for Seven Brothers, 72 – 76 High Road, Tottenham, London, N15 6JU. The applicant, Mr Tacim Koca, held a 24 hour premises licence for 72 High Road. However, the applicant sought for a provisional statement to increase the floor space of the shop to cover 72 – 76 High Road and for a new supply of alcohol hours from 06:00 to 01:00, Monday to Sunday to cover 72 – 76 High Road.

The Committee was informed that a provisional statement would mean that a future application for a premise license by the premise would be granted in principle, unless there was a fundamental change from the provisional statement in question to that future application. Residents would therefore not be able to challenge that future application on the same grounds that they opposed the provisional statement.

Representations had been received from Licensing Authority and the Public Health Responsible Authority regarding the make up of the area and current issues around street drinking and the impact that this caused with potential noise from customers arriving and leaving the premises and customers utilising the outside area.

Representations had also been received from residents with concerns regarding the application, including noise from customers using the street outside to consume alcohol and noise from patrons loitering around the premises.

Following questions from the Committee to the Licensing Officer, it was noted:

- The issue of no VAT number on the application form was not relevant.
- Whilst the Applicant had not ticked 'yes' or 'no' to the provision of indoor sporting events, the Licensing Officer confirmed they would not be providing indoor sporting events.
- The issue of background music level could be disregarded by the Committee as this was not a licensable activity.
- The terms of the existing premises license would remain unchanged. If the Applicant had the provisional statement granted, they could apply for a new premises license in the future which mirrored the provisional statement, once building work had been completed. In that scenario, the new premises license (as agreed in the provisional statement) would supersede the previous premises license which would no longer be in effect.

### Public Health

The Committee next heard from Public Health. The following was highlighted:

- Haringey had the worst statistical data for alcohol related diseases in London which caused misery for families and local communities.
- Haringey had the highest volume of alcohol being sold which had a direct impact on local communities where a large volume of alcohol was consumed.
- The large response from local residents about the impact of alcohol sales in the local area supported Public Health's view that the Applicant needed to look at the volume of alcohol being sold on the premises.

- Public Health were concerned about the mental health of children living in the local area, given there was a school close to the premises. There was also concern for the safety of children in areas where there was reports of people drinking on streets, as demonstrated by photographs submitted by local residents.
- Public Health praised the Applicant for offering to reduce the supply of alcohol from 24 hours in their application to 06:00 until 01:00 but sought for the Applicant to also reduce high strength alcohol sale to no super-strength beer, lagers or ciders of 6.5% ABV.

Following a question from the Committee, it was accepted by Public Health that the Applicant had agreed to a number of conditions but there was disagreement over the sale of high strength alcohol with Public Health concerned that the sale of alcohol over 6.5% ABV would increase alcohol related issues.

Following questions from the Applicant's lawyer, Public Health noted that:

- Each case was considered on their individual merits.
- It welcomed the positive moves made by the Applicant in modifying their application and accepting various proposed conditions but wished to see a further reduction in the sale of alcohol to a time after children arrived at school.

### Cllr Barbara Blake and Mr Yaniv Joseph, representing the local residents

The Committee next heard from Cllr Barbara Blake representing local residents who had made written objections and signed a petition against the provisional statement. Cllr Blake was joined by Mr Yaniv Joseph.

Cllr Blake started by thanking the Chair for allowing a short recess for the Cllr to consult with the local residents regarding the modification to the application by the Applicant.

Cllr Blake noted the Applicant had agreed to advise customers not to drink on the surrounding streets but claimed they had tolerated street drinking and had done little to address this ongoing issue. The street drinking brought a significant amount of noise, litter and urine to the streets. There was also intimidation of local residents from drinkers. The Committee were asked to consider the impact this had on local families with children.

The Cllr noted a proposed condition related to advising individuals to leave the premises quietly but claimed the premises had tolerated such activity to date. The Cllr claimed clientele of the premises arrived in cars with loud music playing and there was often noise disturbances from those individuals talking loudly. This had a negative impact on local resident's wellbeing by not being able to sleep.

The Cllr acknowledged there was a problem with drinking in Seven Sisters and noted the premises was in an alcohol controlled zone. Residents had complained of feeling intimidated by drinkers and some walked on the opposite side of a street or avoided certain streets altogether to avoid passing drinkers.

The Cllr noted that, if the Committee were to approve the provisional statement, the premises would expand from 1 shop into 3 shops which would likely result in more alcohol being sold and exacerbate pre-existing issues.

Mr Joseph added that the photographs contained in the report pack (pages 59-72) were taken during the day time, when children would have been walking home from school. He claimed children avoided the street next to the premises to avoid those loitering outside drinking.

Following questions from the Committee, it was noted:

- The Licensing Officer clarified that Haringey had 16 alcohol controlled zones. These were defined areas in a ward where if you were consuming alcohol and causing a nuisance, the police could request you to stop consuming alcohol. It operated differently to a PSPO.
- The Licensing Officer informed that the Metropolitan Police were informed of the application but did not make any representations. Cllr Blake noted the Safer Neighbourhood Team had been made aware of the situation but due to ongoing issues with the group not being complete, this had yet to be addressed.

Following questions from the Applicant's lawyer, it was noted:

- Mr Joseph estimated that there was one other premises like Seven Brothers within a 500 metre radius.
- Cllr Blake agreed with the Applicant's lawyer that an alcohol controlled zone would be welcomed in the area in order to help residents feel safer.
- Mr Joseph claimed that this particular premises was the root of issues related to street drinking in the immediate area.

### Applicant, represented by Mr Duncan Craig

The Committee next heard from the Applicant via their lawyer, Mr Duncan Craig.

Mr Craig clarified that the license in existence meant the premises could remain open and supply alcohol 24 hours a day, 7 days a week. The application had originally intended to mirror the current premises license but the supply of alcohol had been revised to cover 06:00 to 01:00 only. Mr Craig noted the conditions on the existing premises license were inadequate by the current standards expected. Recent guidelines stipulated that conditions must be precise and enforceable, which the previous conditions were not. Mr Craig took the Committee through the conditions proposed by the Applicant at pages 28 and 29.

Mr Craig highlighted that the proposed conditions by the Applicant were more stringent, resulted in fewer hours for the supply of alcohol, and resulted in less shelf space available for alcohol products. The purpose of the application was to extend the store so that it could supply more groceries, not to increase alcohol sales.

Mr Craig stated that the application could not be judged without considering the premises and its current operations. The premises had never had a licensing review



and the provisional statement, if granted, would place further restrictions on the premises which would help promote the licensing objectives.

Mr Craig accepted there were significant issues around street drinking in the Seven Sisters ward but that the application must be dealt with on its merits. Despite the wider issues of street drinking, this did not mean that the application should be refused because of wider issues in the community. There were limits to what a premises was able to do to deter such activity.

Mr Craig claimed there was little to no reference in the representations made on the direct impact the premises was having on street drinking, but rather discussed street drinking in a wider context. The Metropolitan Police and Haringey Council had to take responsibility for the wider issues and it was not fair or proportionate for the premises, which had operated lawfully for 14 years without a review, to be penalised, especially given the provisional statement was for a reduction in the sale of alcohol hours and placed more conditions on the premises.

Regarding the AVB, Mr Craig stated the current premises license did not have any restrictions on the sale of high strength alcohol and did not want any restrictions on AVB on the provisional license. The premises had been operating in a responsible manner and similar establishments in the area did not have such a condition. Therefore, this premises should not be disproportionately penalised by the imposition of a condition to restrict the sale of high strength alcohol.

Mr Craig claimed that most of the representations by residents misapprehended the nature of the application by thinking the application was for an extension in operating hours and did not discuss the licensing objectives. Mr Craig invited the Committee to pay little regard to the petition submitted which he questioned the narrative of for not giving enough detail on what it was about and no discussion on how it related to the licensing objectives.

Mr Craig disputed the significant of the photographs submitted by the local residents and stated they were not taken within close proximity to the premises.

Mr Craig informed that the Applicant only wanted to develop the business and invited the Committee to grant the application.

Following questions from the Committee, it was noted:

- Regarding condition 1) on page 28, Mr Craig informed there was no legal requirement for the license holder to be present at the premises at all times. The condition would require a personal license holder to be present at all times.
- Regarding condition 6), Mr Craig informed there would be a phone number for the premises, should the police, any responsible authority or local resident seek to express concerns caused by the operation of the premises.
- Regarding condition 4) f), Mr Craig informed this was a standard condition included on most applications.
- Regarding condition 4) h), Mr Craig informed the Applicant was experienced at recognising when an individual was drunk and would decline to serve them. Where the premises refused to sell an individual alcohol, that would be recorded and available for officers to inspect, when requested.

- Mr Craig informed the Applicant would ask anyone seen drinking and loitering around outside the premises to move on, however, there was difficulty when they were out of the view of the premises which made it difficult for the premises to act. The Applicant noted they had informed the police of disruptive people loitering outside the premises when they have refused to move on. The premises had also placed a light on the side of the shop to help make residents feel safer.
- Regarding the composition of the proposed premises layout, Mr Craig informed 80% would be for groceries and 20% would be for alcohol products.

Following questions from Cllr Blake to the Applicant, it was noted:

- Cllr Blake challenged the Applicant over who was responsible for street drinking. Mr Craig claimed everyone who held a personal license shared responsibility for the impact of alcohol on the wider community. Mr Craig stated it was not right to claim that the Applicant neglected their responsibilities.
- The Applicant tried their best to ensure that no individual loitered around the premises drinking but stated they did not have the resources to routinely check whether there was drinking taking place down the street, out of sight of the premises.

### Closing submissions

Cllr Blake invited the Committee to consider the impact the premise was having on local residents lives, such as not being able to sleep and concern about family safety from drinkers loitering on the streets. The residents sought for the Committee to seriously consider application and for the sale of alcohol to be further reduced.

Mr Craig, on behalf of the Applicant, robustly denied that his client did not take their responsibilities seriously. The premise had never had a review hearing and had offered to abide by new conditions in the provisional statement to take on further responsibilities to those already on the premises license. The premise had offered to reduce the amount of shelf space for alcoholic products. The premise, having listened to the concerns of the Responsible Authority's and local residents, tailored their application accordingly by seeking a reduction in the supply of alcohol time from 24 hours to 06:00 until 01:00. The premise wished to have good relations with the local community and was investing a significant sum of money to develop the business into a better shopping facility for local residents.

### **RESOLVED**

The Committee carefully considered an application for a provisional statement that was brought pursuant to section 29 of the Licensing Act 2003. The application was in respect of premises known as Seven Brothers, which is situated at 72 – 76 High Road, Tottenham, London, N15 6JU.

In considering the application, the Committee took into account the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the contents of the Report pack, the representations made by Cllr Blake and residents objecting to the application, representations made

by the responsible authorities, and representations made by and/or on behalf of the applicant in person and via his legal representative.

Having heard from all the parties, the Committee decided to grant the provisional statement, with conditions as set out below.

The Committee accepted the revised conditions proposed by the Applicant in their application, but imposed the modifications suggested by the Licensing authority with respect to operating hours for alcohol sales, stopping the sale of beer, lager and ciders above 6.5% ABV, and stopping the sale of single cans of beer, lager of cider.

The Committee were mindful that the Applicant had voluntarily sought to reduce the hours for the supply of alcohol from 24 hours (6 am to 6 am) to a 1 am cut off point. However, the Committee considered it proportionate for the supply of alcohol to be from 6am to midnight, which would be in line with other established businesses in the area.

### **Reasons**

The Committee was satisfied that alcohol related nuisance had occurred in the near vicinity of the premises and that street drinkers locally had engaged in anti-social behaviour in full view of local residents including children. It was accepted that not all such nuisance would have been caused by the applicant's customers, but the committee was satisfied that the applicant had some responsibility, and was obliged to ensure that the licensing objectives were being upheld.

The Committee accepted the concerns of Public Health regarding the sale of high strength alcohol in the area and the impact it was having on the community including the welfare of children.

The Committee recognised the applicants readiness to reduce their operating hours for the supply of alcohol and was pleased that the applicant wished to operate as a supermarket, but was not satisfied that the conditions proposed by the applicant were a sufficient response to the matters that were put before the committee.

The Committee approached its deliberations with an open mind and only made its decision after hearing all the parties' representations. The Committee considered its decision to be appropriate and proportionate.

### **Modified Provisional Application**

#### **Supply of Alcohol**

*Monday to Sunday 06:00 to 00:00*

#### **Opening hours of the premises**

*According to Planning conditions*

**The following additional conditions are to be added to the premises licence –**

**General –four licensing objectives**

1. That the operating hours for alcohol sales be 6am – midnight each day.
2. That there be no stock or supply beer/lager or ciders above 6.5% ABV at the premises.
3. That there be no sale of single cans or bottles of beers/lager or cider from the premises.
4. That the total floor space taken up for the display of alcohol is limited to under 20% of the overall floor space.

**The prevention of crime and disorder**

5. There shall be a Designated Premises Supervisor (DPS), personal licence holder or trained member of staff nominated in writing by the DPS, on duty at all times the premises are open to the public.
6. A CCTV system, that will be installed to the current Metropolitan police /Home Office standards, shall be in operation to cover internal and external areas of the premises at all times the premises are open to the public.
  - a. CCTV shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
  - b. All staff who may work front of house shall be trained to operate the CCTV system and download images.
  - c. At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on USB disk, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.
7. A challenge 25 policy shall be operated as the proof of age policy.
8. An incident book shall be kept at the premises, and made available to the police or authorised Council officers, which will record the following:
  - a. All crimes reported
  - b. Lost property
  - c. Any complaints received
  - d. Any incidents of disorder
  - e. Any seizure of drugs or offensive weapons
  - f. Any faults in the CCTV
  - g. Any refusal in the sale of alcohol
  - h. Any visit by a relevant authority or emergency service
9. Notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate) advising customers:
  - a. That the CCTV and challenge 25 policy are in operation
  - b. Advising customers of the provisions of the Licensing Act regarding underage and proxy sales
  - c. Of the permitted hours for licensable activities and the opening times of the premises

- d. Not to drink in the street
- e. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally

### **Public safety**

- 10. A fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training and refresher training.

### **The prevention of public nuisance**

- 11. The front of the premises shall be kept tidy at all times and be swept at close.
- 12. Relevant notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate).
- 13. No deliveries shall be received or rubbish removed from the premises between 22.00 and 07.00.
- 14. Any music played shall only be played at background level.
- 15. An incident book shall be kept at the premises and made available to the police or authorised Council officers to record information of any of the details outlined in section 8 (a) – (h).
- 16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome shall be recorded in the incident book.

### **The protection of children from harm**

- 17. A challenge 25 policy shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM Forces photographic ID or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 18. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police and authorised Council officers on request.
- 19. Relevant notices shall be prominently displayed by the entry /exit door and point of sale as appropriate.
- 20. All staff who work front of house shall be trained for their role on induction and be given refresher training every six months. Written training records shall be kept for each staff member and be produced to police and authorised Council officers on request. Training shall include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

*Planning conditions will set in place the permitted opening and closing times of the premises.*

**16. ITEMS OF URGENT BUSINESS**

N/A.

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....

## LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY

### INTRODUCTION

1. The Chair introduces him/herself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2. The Chair invites Members to disclose
  - i) any prior contacts (before the hearing) with the parties or representations received by them; and separately
  - ii) any declarations of interest.
3. The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.

### NON-ATTENDANCE BY PARTY OR PARTIES

4. If one or both of the parties fails to attend, the Chair decides whether to:
  - (i) grant an adjournment to another date, or
  - (ii) proceed in the absence of the non-attending party.
 Normally, an absent party will be given one further opportunity to attend.

### TOPIC HEADINGS

5. The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
 

**Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.**

  - (i) the prevention of crime and disorder,
  - (ii) public safety,
  - (iii) the prevention of public nuisance, and
  - (iv) the protection of children from harm.
6. The Chair invites comments from the parties on any other topic headings to be discussed.

### WITNESSES

7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8. Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.

### DOCUMENTARY EVIDENCE

9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10. If so, the Chair will ask the other party if they object to the admission of the late documents.
11. If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:
(i)	What is the reason for the documents being late?
(ii)	Will the other party be unfairly taken by surprise by the late documents?
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?
(iv)	Is the late evidence really important?
(v)	Would it be better and fairer to adjourn to a later date?
<b>THE LICENSING OFFICER'S INTRODUCTION</b>	
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.
14.	The Licensing Officer can be questioned by Members and then by the parties.
<b>THE HEARING</b>	
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:
(i)	an introduction by the Objectors' main representative
(ii)	an introduction by the Applicant or representative
(iii)	questions put by Members to the Objectors
(iv)	questions put by Members to the Applicant
(v)	questions put by the Objectors to the Applicant
(vi)	questions put by the Applicant to the Objectors
<b>CLOSING ADRESSES</b>	
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.
<b>THE DECISION</b>	
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.
19.	The decision is confirmed in writing within five working days of the hearing.



**Report for:** Licensing Sub Committee 27th August 2019

**Title:** Application for a New Premises licence 4 Mevsim Ltd, 640-642 Lordship Lane London N22 5JH.

**Report authorised by :** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** Woodside

**report for Key/ Non Key Decision:** Not applicable

## 1. Describe the issue under consideration

1.1 An application has been submitted by Mr Huseyin Sesen for a new licence to allow licensable activity namely, the sale of alcohol at the retail unit. The premises holds an existing licence for 642 Lordship Lane but the application before the LSC is for a new licence seeking to incorporate an additional shop unit at 660 Lordship Lane, N22.

1.2 The applicant is seeking the following hours: App 1

### Supply of alcohol (Off sales only)

Monday – Sunday 24 hours

### Hours open to the public

Monday – Sunday 24 hours

Representations have been received against this application by ‘other persons’, namely residents and the local ward councillors as well as Responsible Authorities.

1.3 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations.

## 1.4 Representations

The Residents representation can be found at Appendix 2.

Ward councillor representation Appendix 3

Responsible Authority Representations can be found at Appendix 4

- Licensing Authority
- Public Health

## 2 Background

2.1 The applicant has operated at 642 Lordship Lane offering alcohol sales on a 24 hour basis. The business is expanding and Mr Sesen seeks to extend the premises into the adjoining shop premises. In order to do so a new application is required to be made that will show a new plan incorporating the entire floor space that will be considered under this new application.

The new application must be considered on its own merits in light of the four licensing objectives.

2.2. Part M of the application details the proposed steps to be taken to promote the

licensing objectives.

- 2.3 Council officers are satisfied that the application has been made and advertised correctly.

### 3 Relevant Representations

- 3.1 All representations have to meet a basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person or body sending the representation must be written and an explanation for rejection given in writing.

- 3.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 3.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives" Likely means something that will probably happen, i.e on balance more likely than not.

- 3.4 Representations from responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

- 3.5 The representations from the residents and Wrd Councillors speak to the ongoing concerns with street drinking in the immediate vicinity of the shop and its impact in the local community.

- 4 All the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The London Fire and Emergency Planning Authority
- Planning
- Health and Safety (includes Building Control)
- Noise Environmental Health
- Food Environmental Health
- Trading Standards
- Child protection
- Public Health.

- 4.1 No representations have been received from any responsible authorities.

### 5 Licensing Officer comments

- 5.1 The following information is intended to advise Members of the relevant aspects of the Statement of Licensing Policy, guidance issued by the Secretary of State, legislation and good practice. Members may depart from the Councils Policy and or Section 182 Guidance provided they consider it appropriate to do so and provide clear reasons for their decision.

- 5.2 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for

licensable activities and the vicinity of those premises and places.

- 5.3 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.4 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 5.5 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 5.6 Also The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 5.7 The Licensing Act 2003 permits children of any ages to be on the premises which primarily sells alcohol provided they are accompanied by an adult. It is not necessary to make this a condition.
- 5.8 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 5.9 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 5.10 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.  
The Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

## 8 Options:

- 8.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

In determining this application the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- To grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

- 9 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

## 10. Other considerations

**Section 17 of the Crime and Disorder Act 1998** states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

### 10.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

## 11 - Use of Appendices

The Met Police representation and the event management plan appendices are noted and attached to the exempt part of the report.

**Appendix 1 – Application**

**Appendix 2 – Representations from residents**

**Appendix 3 – Representation from Ward Councillors**

**Appendix 4 - Representation from Licensing Authority**

**Representation from Public Health**

## 12 - Local Government (Access to Information) Act 1985

**Background papers: Section 82 Guidance**

**Haringey Statement of Licensing policy**

Appendix 1 – Application Form

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**Haringey**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
licensing@haringey.gov.uk  
Telephone: 020 8489 8232

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

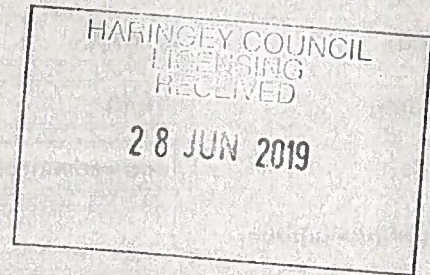
\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone



Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.



*Continued from previous page...***Agent Registered Address**

Address registered with Companies House.

Building number or name	<del>302</del>
Street	Green Lanes
District	
City or town	London
County or administrative area	
Postcode	N13 5TJ
Country	United Kingdom

**Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	4 MEVSIM, 640-642
Street	Lordship Lane
District	Wood Green
City or town	London
County or administrative area	
Postcode	N22 5JH
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	33,000

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

HUSEYIN

Family name

SESEN

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

**Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd          mm          yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

Right to work share code  Right to work share code if not submitting scanned documents

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd          mm          yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd          mm          yyyy

Provide a general description of the premises

**Continued from previous page...**

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is an Off Licence and will sell alcohol OFF the premises 24h

The premises number 642 already has been licensed (LN006003104) and it is an established business and due to expansion on 640 wants to get the licence with the same conditions.

The premises will open 24h with same existing opening time as at 642 Lordship Lane N22 5JH.

THE PREMISES IS ALREADY LICENSED AND DUE TO LEGALITY PROCEDURE WE ARE APPLYING FOR NEW PREMISES LICENCE APPLICATION at 640-642 LORDSHIP LANE

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21****PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

 Yes

 No
**Section 7 of 21****PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

 Yes

 No
**Section 8 of 21****PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

 Yes

 No
**Section 9 of 21****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

 Yes

 No
**Section 10 of 21****PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

 Yes

 No
**Section 11 of 21**

Continued from previous page...

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start 00:00

End 00:00

Start

End

FRIDAY

Start 00:00

End 00:00

Start

End

SATURDAY

Start 00:00

End 00:00

Start

End

SUNDAY

Start 00:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Continued from previous page...**

Date of birth

/  /   
 dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start   
 Start

End   
 End

Give timings in 24 hour clock.  
 (e.g., 16:00) and only give details for the days  
 of the week when you intend the premises  
 to be used for the activity.

TUESDAY

Start   
 Start

End   
 End

WEDNESDAY

Start   
 Start

End   
 End

THURSDAY

Start   
 Start

End   
 End

FRIDAY

Start   
 Start

End   
 End

SATURDAY

Start   
 Start

End   
 End

SUNDAY

Start   
 Start

End   
 End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.



Continued from previous page...

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The applicant will accept the following conditions.

The alcohol only will sale in operation hours and the alcohol will be consumed OFF the premises. Cctv will be installed to the premises, installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The premises shall install and maintain a CCTV system as per the minimum requirements of a Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. THE CCTV SHALL BE IN OPERATION AT ALL THE PREMISES ARE OPEN TO THE PUBLIC. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS OF THE PERMITTED HOURS.

ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT AND RESPONSIBLE ALCOHOL RETAILING.

WRITTEN TRAINING RECORDS WILL BE KEPT.

THE PREMISES WILL ACTIVELY ENGAGE WITH AND WORK WITH THE POLICE SAFER NEIGHBOURHOOD TEAM.

the premises will keep strong management controls and train all staff so they are aware of the licence and its requirement. In particular:

- No service of alcohol to underage people.
- Being vigilant to prevent disorderly behavior.

OR CURRENT CONDITION WILL BE ACCEPTED

b) The prevention of crime and disorder

Cctv will be installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in 'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system.

OR CURRENT CONDITION WILL BE ACCEPTED

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons

**Continued from previous page...**

- (c) any complaints received regards crime and disorder
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

OR CURRENT CONDITION WILL BE ACCEPTED

d) The prevention of public nuisance

All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months. Suitable signage will be displayed at the point of exit advising customers leave the premises quietly. Deliveries to the premises shall only be made during normal working hours.

OR CURRENT CONDITION WILL BE ACCEPTED

e) The protection of children from harm

Any alcohol must be sold by DPS or a person authorised by the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme.

OR CURRENT CONDITION WILL BE ACCEPTED

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided. Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

The following credit or debit cards are accepted in Haringey: Maestro - Mastercard Debit - Mastercard Credit - Solo - Visa Credit - Visa Debit (formerly Delta) and Visa Electron We cannot accept liability if payment is refused or declined by the card supplier. Due to end of day processing, this service will not be available between 10pm and 11pm every weekday evening (Mon- Fri). Users should note that any payments in process after the 10pm deadline need to be completed by 10.05pm

\* Fee amount (£)

190.00

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**DECLARATION**

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition \* preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/haringey/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

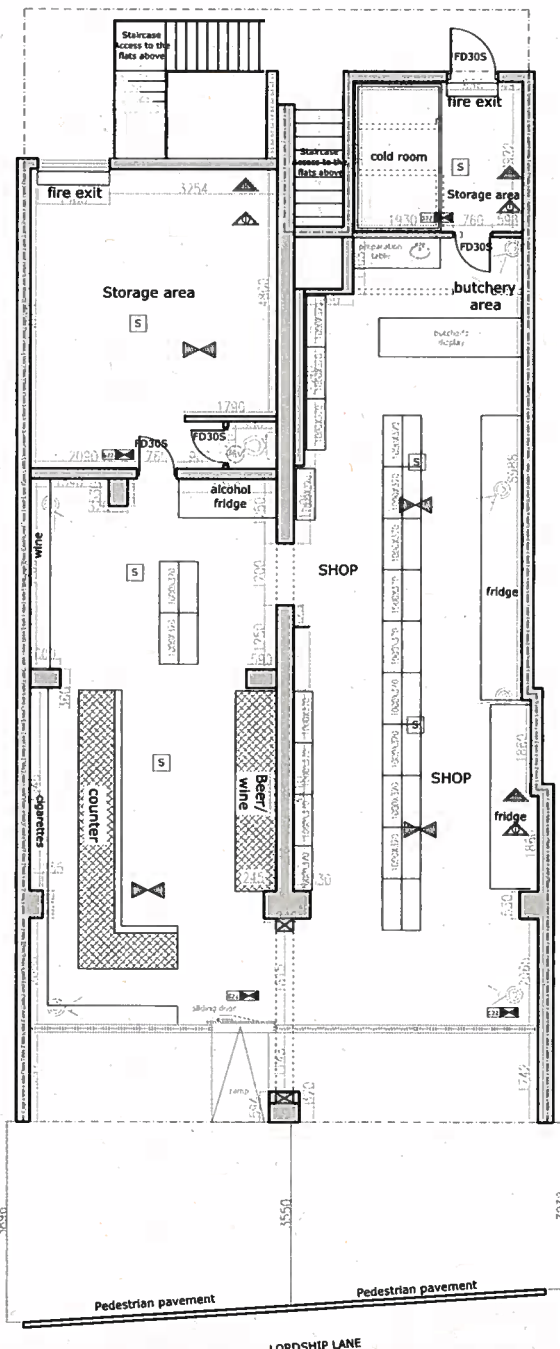


**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >





LEGEND

- AMBIT OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 L.T. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM
- FIRE BLANKET IN CONTAINER

**ADVANCE ARCHITECTURE**  
 ARCHITECTURE / PLANNING / LICENSING  
 Unit 17, Ashley House, Ashley Road  
 London N17 9LZ  
 020 8801 6501 / 0 7878 999 178  
 www.advancepl.co.uk  
 info@advancepl.co.uk

- PLEASE NOTE
1. All dimensions to be verified on site.
  2. All dimensions are in millimeters.
  3. No work shall commence until all approvals and agreements have been obtained. These include, Planning, Building Regulations, Water and party Wall.
  4. The Copyright of this drawing belong to Advance Planning and Licensing Limited.

Date	11/06/19
Scale (@ A3)	1 : 100
Drawn by	AZ
Checked by	KK

PROJECT STATUS	<b>LICENSING</b>
	<b>PROPOSED</b>
PROJECT	640-642 Lordship Lane, N22 5JH
SHEET	GROUND FLOOR
JOB No.	<b>19.001</b>
DRAWING NUMBER	<b>L-100</b>
	REV

GROUND FLOOR PLAN



Appendix 2 – Representations from residents

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**Roye Chanel**

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**From:**  
**Sent:** 07 July 2019 17:31  
**To:** Licensing  
**Cc:** Cllr Mitchell Peter; Cllr Blake Mark  
**Subject:** Application from 4 MEVSIM, 640-642 Lordship Lane, N22 5JH

Dear Licensing Team

I wish to object very strongly to the application by the above shop for a licence to 'supply alcohol off the premises Monday to Sunday, 00.00 to 00.00hrs.'

There is already a serious problem with people (mainly men) buying alcohol along this stretch of Lordship Lane (between Tesco and Paddy Power). They then tend to carry it to Chapman's Green where they consume vast amounts of it, not only littering the park but using it as a toilet. This anti-social behaviour has been allowed to continue for far too long by both the Council and the Police, and will undoubtedly be made worse if this (now double fronted) shop is granted a 24-hour alcohol licence.

Please take a stand and refuse this application.

Thank You.

Yours sincerely



Virus-free. [www.avast.com](http://www.avast.com)

**Roye Chanel**

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**From:**  
**Sent:** 10 July 2019 09:26  
**To:** Licensing  
**Subject:** New Licensing application - objection

Dear Licensing Team,

I have seen that there is an application by 4 MEVSIM at 640-642 Lordship Lane N22 to supply alcohol off the premises Monday to Sunday 00.00 – 00.00 hrs.

I wish to object to this application.

There is already a considerable nuisance caused by street drinkers buying alcohol and taking it with them to drink in Chapman's Green, which is close by the location of this store. Allowing these street drinkers to buy alcohol 24/7 close to the Green will increase the nuisance caused as their behaviour is likely to become even more rowdy, unpleasant and unpredictable if they are easily able to acquire more alcohol and therefore get more inebriated.

Ordinary local people and their children are already deterred from using Chapman's Green as it is so unpleasant to go there when there are groups of men sitting on the benches drinking alcohol, and using the bushes there as a toilet. I am a local resident and avoid going into the Green when I see these drunken men sitting there, smoking, spitting and generally behaving in an objectionable manner.

Chapmans Green is a great local amenity, with plans to further develop it as a Community Resource and it would be a hugely detrimental step for the local community if you allow the sale of alcohol 24/7 in a nearby shop.



Appendix 3 – Representation from Ward Councillors

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**Roye Chanel**

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**From:** Cllr Mitchell Peter  
**Sent:** 22 July 2019 12:16  
**To:** Licensing  
**Cc:** Cllr Blake Mark; Cllr das Neves Lucia  
**Subject:** Objection to licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**4 Mevsim, 640-642 Lordship Lane, N22 5JH**

I am writing on behalf of the three Woodside Councillors to object to the application for a 24-hour licence for alcohol sales at these premises. We get a lot of complaints from residents about anti-social behaviour and drinking along this stretch of Lordship Lane. Residents feel intimidated by groups of men drinking and smoking on the pavement, particularly outside the three betting shops in the parade from 606 to 646 Lordship Lane. Drinking is also a problem in the nearby Chapmans Green, which means that local residents do not feel safe using the park. The drinking also results in serious litter problems and men urinating in the park. Given that the area is adversely affected by street drinking and anti-social behaviour, we do not consider that a 24-hour licence is justified and the application does not give sufficient assurances that the licensing objectives will be met.

Haringey's Statement of Licensing Policy states that there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of premises in residential areas being adversely affected by street drinking issues (paragraph 7). We believe this applies in this case as there are flats above the shops on Lordship Lane and the surrounding area is residential. Street drinking is certainly an issue here.

On the first licensing objective of the prevention of crime and disorder, Haringey's Statement recognises that premises offering late night alcohol can become a serious source of crime and disorder or anti-social behaviour problems (paragraph 54). We do not believe that the application demonstrates that an appropriate risk assessment has been carried out of the potential sources of crime and disorder associated with the operation of the premises. If a licence is granted, then we hope there will be suitable conditions to address the known anti-social behaviour issues in the area, such as not selling single cans, joining the Responsible Retailer Scheme, and not selling beer, lager or cider with an alcohol volume of 6.5% or more.

The licensing objective of the prevention of public nuisance should require a risk assessment of the potential sources of nuisance posed to the local community by the proposed 24 hour operation. Haringey's Statement encourages applicants to complete a risk assessment (paragraph 147). There is no evidence that one has been undertaken and there is no operating schedule as required in paragraph 4 of Haringey's Statement. Residents walking home, particularly late at night, feel unsafe when there are men drinking on the pavement. Those living above the shops on Lordship Lane could be disturbed by customers visiting the shop at all hours of the night.

As this application is for a 24-hour licence, we do not understand why the applicant states that a condition will be accepted that sales of alcohol will not be carried out at any other time than the permitted opening hours. This is irrelevant if sales are permitted on a 24/7 basis.

Haringey's Statement of Licensing Policy points out that the borough has some of the greatest levels of alcohol related problems in London. We see this along Lordship Lane and in Chapmans Green. The street drinking and associated anti-social behaviour has a wider community impact and we therefore cannot support this application.

Councillor Mark Blake  
Councillor Lucia das Neves  
Councillor Peter Mitchell

(Councillors for Woodside Ward)

Councillor Peter Mitchell  
Labour Member for Woodside Ward  
London Borough of Haringey

07811 421500

i

Appendix 4 – Representation from Licensing Authority

Representation from Public Health

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**Roye Chanel**

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**Subject:**

FW: 4 MEVSIM -NEW APPLICATION

25.07.2019, 10:53, "Barrett Daliah" <[daliah.barrett@haringey.gov.uk](mailto:daliah.barrett@haringey.gov.uk)>:

Dear Sirs,

We have considered the new application and the current social issues taking place in the area

The need to consider what is happening in the locality is important when looking to see if what the applicant has offered in the operating schedule of the application form goes far enough to promote and uphold the licensing objectives. There are good conditions offered around CCTV etc which we find acceptable. The application however does not address the social issues happening in the area around street drinking. We will therefore be making representation to seek to restrict the sale of strong beer/lager and cider above 5.5% alcohol. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.

Please discuss with your client.

Regards

Daliah Barrett

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<b>Responsible Authority:</b>	Haringey Public Health, London Borough of Haringey
<b>Date:</b>	25/07/2019
<b>Name:</b>	Maria Ahmad, Public Health Officer – Health Improvement Marlene D’Aguilar, Health In All Policies Officer
<b>Contact:</b>	<a href="mailto:Maria.Ahmad@Haringey.gov.uk">Maria.Ahmad@Haringey.gov.uk</a> <a href="mailto:Marlene.DAguilar@haringey.gov.uk">Marlene.DAguilar@haringey.gov.uk</a>

**Public Health representation relation to: 4 MEVSIM LTD, 642 LORDSHIP LANE, WOOD GREEN, LONDON, N22 5JH.**

**Supply of Alcohol**

Monday to Sunday 24 hours

For consumption **OFF** the premises

**Hours open to the public**

Monday to Sunday 24 hours

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003 and would like to make a representation regarding the application for a new premises license at: 4 MEVSIM LTD, 642 LORDSHIP LANE, WOOD GREEN, LONDON, N22 5JH.

The representation is made under the following licensing objectives:

- **Crime and Disorder**
- **Public Nuisance**
- **Protecting Children From Harm**

**Haringey: Alcohol and Health**

Tackling alcohol misuse is key to achieving the outcomes in Haringey’s Health and Wellbeing Strategy: giving every child the best start in life, reducing the gap in life expectancy between the east and west of the borough and improving mental health and wellbeing. Part of achieving these involves community safety efforts to tackle alcohol crime and anti-social behaviour, and ensuring health considerations are taken into account in any licensing decisions. We want to create a culture that prevents problem drinking from starting and provides help for people early on should they be struggling.

Haringey experiences some of the greatest levels of alcohol-related problems in London and the harm due to alcohol is a growing concern. In the five year period of 2009/10 – 2014/15, alcohol related hospital admissions increased by 38% with the local cost of these admissions now estimated to be £7.5 million annually. During the same time period, the (DSR) rate of admissions per Haringey person also increased for both men and women, 31% and 26% respectively. Across the borough, there are currently over 800 licensed premises for the sale and supply of alcohol and this figure continues to rise, with some areas of high level clustering. Evidence shows that an increased number of alcohol outlets results in significant

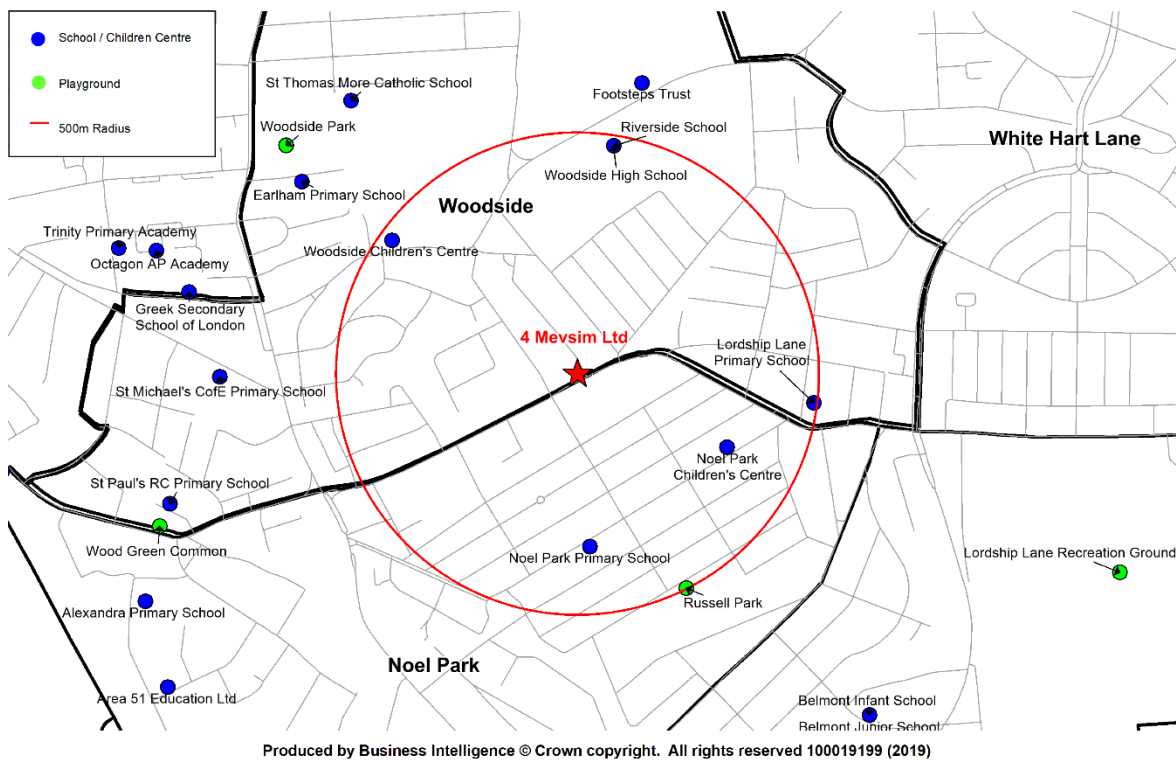
increases in alcohol consumption and alcohol-related harm (including injury, violence and medical harm). Antisocial behaviour associated with street drinking has been recognised as a concern in Haringey. Problems identified include; litter, noise, urination and intimidation all of which have a detrimental impact to the quality of life for residents.

Though many factors are known to contribute to the above, the licensing committee has direct influence over two: density of licensed premises and trading hours.

**Local Context of the Premises**

The premises are located on Lordship Lane, 0.3 miles from Wood Green station. The surrounding area is a busy mix of commercial and residential properties and the premises is located 0.3 miles away from Russell Park. There are number of schools and children’s centre within 500m of the premises (Figure 1). There are 3 off-licenses and 4 on-licenses and 3 betting shops within 250-meter radius.

**4 Mevsim Ltd and all Schools, Children's Centres and Playgrounds within 500m**



**Crime and disorder:**

In 2015, Woodside, the ward in which the premises in located, ranked 1st out of 19 wards for sexual assault incidents; 1st for probation Clients with Alcohol misuse Risk; and 3rd for Alcohol illness treated by London Ambulance service for those aged 18 and above.

Bullseye data (2017/2018) also shows a high volume of violent and alcohol related incidents. There were 69 alcohol related injuries within 500m of the premises location. There are a further 7 incidents of alcohol related injuries in those aged under 26.

Local ambulance callout data tells us that the LSOA in which the premises is located had 9 alcohol related ambulance call outs in 2017/2018. On Lordship Lane near to the premises, there were 89 crimes in the past year (June 18 to May 2019), of which 32 (36%) were violent or sexual offences and 6 (7%) were anti-social behaviour (Police.UK). Anti-social behaviour and violence or sexual offences are associated with alcohol intake and pose a risk to the safety of the general public including children. Alcohol is known to exacerbate the likelihood of wide range of criminal offences including anti-social behaviour, night-time violence and domestic abuse offences (GLA datastore, 2016).

Furthermore, the impact of the sale of high strength beers, lagers and ciders are 6.5% alcohol by volume (ABV) and above is having an adverse effect across Haringey. The increase and easy availability of these, one of the most harmful forms of alcohol, is related to an increase in street drinking and ASB.

### **Public Nuisance:**

As stated in Haringey's Statement of Licensing Policy 2016-2021 "licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells."

The Licensing Authority's expectations of license holders are set out in the policy where it states that "licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence".

We have specific concerns about the impact of operating late in the night / early hours of the morning on every day of the week on local families living in this mainly residential area. Furthermore, the clusters of betting shops will

### **Protecting Children from Harm:**

There are 5 schools within 500m of the premise, including 2 children's centres, 2 primary schools and a secondary school.

Public Health is concerned for the families and staff of Noel Park Children's centre located closest to the premises at 0.3 miles (6 min walk). The children's centre already experiences daily nuisances when using or walking through Russell Park. The requested opening hours may exacerbate concerns over the safeguarding of children. We think the applicant has not satisfactorily addressed how they intend to safeguard children in their application.

### **Recommendation:**

There are no 24 hour on/off licenses located within 500m radius. The area has sufficient premises to meet demand for alcohol with several off licenses already operating in the area. Furthermore, this is a mixed

residential area with a number of schools in close proximity to the premises so we have significant concerns that licensable activities into the early hours of the morning, clustering of betting shops may cause nuisance, disruption and affect the sleep of children and working adults living in the surrounding area. Therefore, it will be unreasonable to have an off-license premises with earlier opening hours in this problem area.

If this licence is to be granted Public Health recommend that the following conditions are to be attached to minimise any potential harm to our local residents along with the conditions submitted by the applicant:

## **Public nuisance**

- Reduction of hours to what the Haringey Statement of Licensing (2016 – 2021) recommends. Alcohol sales are restricted to midnight on Friday and Saturday and 23.30 Sunday – Thursday in line with Haringey’s Statement of Alcohol Licensing Policy 2016 – 2021. Therefore, the application to serve alcohol 24 hours goes against what is stated in the policy especially in an area where there is high crime.
- Legible notices displayed at exits about noise when leaving event (‘respecting needs of local residents and leaving the area quietly’)
- Litter – clearing public area immediately surrounding premise daily if consumption is taking place off premises

## **Prevention of crime and disorder**

- Alcohol to be covered when it is not on sale – the retailer should have a lockable roller shutter fridges or stand alone fridges that are lockable. “Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors to the satisfaction of the Police or Licensing Authority”
- Spirits are best kept behind the staff at the counter and therefore have to be handed over to the customer and allows for there to be more interaction with the seller and the customer.
- The licensee should join the responsible retailers scheme
- High strength alcohol sale restriction: no super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises
- No irresponsible sales / promotion of super-strength alcohol (above 6.5% ABV) and single cans (i.e. buy one get one free) OR there shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
- All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Council.
- The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.
- There shall be no self-service of spirits on the premises.

## **Protection of children from harm**

- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The

refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.

- Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
- The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the CCTV system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by authorised officers. Staff shall sign to confirm that they have received and understood the training.

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## APPENDIX 3

<b>LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY</b>	
<b>INTRODUCTION</b>	
1.	The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.
2.	The Chair invites Members to disclose <ul style="list-style-type: none"> <li>i) any prior contacts (before the hearing) with the parties or representations received by them; and separately</li> </ul> any declarations of interest.
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to: <ul style="list-style-type: none"> <li>(i) grant an adjournment to another date, or</li> <li>(ii) proceed in the absence of the non-attending party.</li> </ul> Normally, an absent party will be given one further opportunity to attend.
<b>TOPIC HEADINGS</b>	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is: <p><b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b></p> <ul style="list-style-type: none"> <li>(i) the prevention of crime and disorder,</li> <li>(ii) public safety,</li> <li>(iii) the prevention of public nuisance, and</li> <li>(iv) the protection of children from harm.</li> </ul>
6.	The Chair invites comments from the parties on any other topic headings to be discussed.
<b>WITNESSES</b>	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
<b>DOCUMENTARY EVIDENCE</b>	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
<b>THE LICENSING OFFICER'S INTRODUCTION</b>		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
<b>THE HEARING</b>		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Review Applicant's main representative	
(ii)	an introduction by the Premises Licence Holder or representative	
(iii)	questions put by Members to the Review Applicant	
(iv)	questions put by Members to the Premises Licence Holder	
(v)	questions put by the Review Applicant to the Premises Licence Holder	
(vi)	questions put by the Premises Licence Holder to the Review Applicant	
<b>CLOSING ADRESSES</b>		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address.	
<b>THE DECISION</b>		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	



**Report for:** Licensing Sub Committee 27<sup>th</sup> August 2019

**Title:** Review of a Premises Licence under the Licensing Act 2003.

**Report**

**authorised by :** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** TH

**Report for Key/**

**Non Key Decision: Not applicable**

**1. Describe the issue under consideration**

- 1.1 An application for the review of the Premises Licence for Tilson Stores, 40 Tilson Road London N17 9UY-held by Zeynel Gunduz was received by the Licensing Authority on 25<sup>th</sup> June 2019. A copy of the application form is attached to this report at **Appendix 1**.
- 1.2 The applicants of the review are The Trading Standards RA and have cited their reason for the review due to the operation of the premises has failed to uphold the licensing conditions and licensing objective of:
  - The prevention of crime and disorder
  - The prevention of children from harm
- 1.3 The applicants speak to ongoing concerns relating to operational failures to comply with ensuring duty paid products are stocked and the fact that illicit tobacco was found on the premises following previous action taken to work with the licence holder.

**2 Licensing history of the premises**

- 2.1 The premises was granted a licence on 11<sup>th</sup> November 2010, Mr Gunduz transferred the licence in October 2013 and also became the DPS. Haringey Trading Standards officers supported by colleagues from Islington had visited Tilson Stores at 40 Tilson Road N17 on 25<sup>th</sup> November 2015 with Sniffer Dogs as part of Operation Henry 2 a National operation to crack down on the supply of illicit tobacco and alcohol.

Officers assisted by the dogs discovered 5,000 foreign cigarettes and fifty 50g pouches of hand rolling tobacco which were not Duty Paid and had incorrect foreign language health warnings on them. The tobacco was found underneath the counter with further stocks discovered in a room at the back of the premises.

A further search revealed 9 bottles of High Commissioner Whisky which officers discovered had fake rear labels with fake UK Duty Stamps applied to them giving the impression that the products were legal to sell in the UK when they were not.

Zeynel Gunduz pleaded guilty to three offences at Tottenham Magistrates Court, two under the Consumer Protection Act 1987 for which he was fined £1,500 each and one under the Consumer Protection From Unfair Trading Regulations 2008 for which he was fined £3,000. He was also asked to pay the councils full costs of £894.80 and £120 Victim Surcharge.

Mr Gunduz was ordered on 8th June 2016 to pay £6,000 and ordered to pay costs of £890 by Haringey Magistrates for stocking illicit tobacco and alcohol at his Tottenham Off Licence in a case brought by Haringey Trading Standards.

Mr Gunduz the Director and Premises Licence Holder told the Court that he accepted the responsibility as the owner of the shop for what had gone on there. He stated that an employee bought the alcohol from a local cash and carry but had not checked the stock properly.

2.2 The Trading Standards RA then asked Mr Gunduz to submit a Minor Variation application in order for changes to be made to the Premises Licence. The additional conditions requested by Trading Standards are shown at Appendix 2. Appendix 2A is a copy of the current licence.

2.3 Drinkaware's Chief Medical Advisor has advised that fake alcoholic drinks can be produced using other cheaper types of alcohol which can have serious adverse effects on ones health. Commonly used substitutes for ethanol include chemicals used in cleaning fluids, nail polish remover and automobile screen wash, as well as methanol and isopropanol which are used in antifreeze and some fuels. These other types of alcohol can produce similar effects to ethanol in terms of making you feel tipsy. But they are also potentially very dangerous.

Drinking alcohol containing these chemicals can cause nausea and vomiting, abdominal pain, drowsiness and dizziness. It can also lead to kidney or liver problems and even coma. Methanol, a substance which can be used in fake vodka, may cause permanent blindness.

2.4 A further visit to the premises in 2019 revealed an ongoing behaviour of receiving and dealing in smuggled goods, namely non duty paid alcohol and illicit tobacco. It is as a result of this visit in April 2019 that the Trading Standards officer is now seeking the revocation of the licence.

## 2.5 Supporting representations

Representations were received in support of this review application from The Public Health RA. Mike Squires Trading Standards officer has also added supporting documentation for the review.

The Trading Standards application is supported and ask the committee to consider revocation due to the serious criminal nature, the breached licence conditions and the sale of illicit alcohol and tobacco.

## 3 Other considerations

A number of reviews may arise in connection with crime that is not directly

connected with licensable activities. For example, reviews may arise because of drugs problems at the premises: money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The Licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to go beyond any findings by the courts, which should be treated as a matter of undisputed evidence before them.

3.1 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The Licensing Authority's duty is to take steps with a view to the promotion of the licensing objectives in the interest of the wider community and not those of the individual licence holder.

### 3.2 Options

The Committee must, have regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The options are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action.

3.3 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the Council's statement of Licensing Policy;
- regard to the Secretary of State's National Guidance.

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may determine that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

- 3.4 The Licensing Authority's determination of this application does not have effect until the 21 days appeal period has expired or if the decision is appealed, the date the appeal is determined and or disposed of.
- 3.5 **Section 182 Guidance – relevant sections.**  
The most recent statutory guidance was Issued in April 2018 and applies to this application.
- 3.6 The following provisions of the Secretary of State's guidance (2018) apply to this application:  
Chapter 11-this chapter gives guidance around the review process and determining an application for a review.
- 3.7 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 3.8 In accordance with section 52(2) of the Act, the Licensing authority must hold a hearing to consider the application and any relevant representations.
- 3.9 **Section 17 of the Crime and Disorder Act 1998** states:  
"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonable to prevent crime and disorder in its area".

### 3.10 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

## 4 Use of Appendices

Appendix 1- Application form review

Appendix 1a – HMRC Statement

Appendix 1b – Photos

Appendix 1c – Letter Regarding Refusal Register

Appendix 1d – Court Hearing Report

Appendix 2 – Copy of conditions made for Minor Variation in 2016

Appendix 2a- Copy of current licence

Appendix 3 – Copy of Public Health representation

**Background papers: Licensing Act 2003  
Section 182 Guidance  
Haringey Statement of Licensing policy  
Report Pack**

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Appendix 1 – Application form review

Appendix 1a – HMRC Statement

Appendix 1b – Photos

Appendix 1c – Letter Regarding Refusal Register

Appendix 1d – Court Hearing Report

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[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

WIGGLEY COUNCIL  
LICENSING  
RECEIVED  
25 JUN 2019

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I L. B. Haringey Trading Standards (Responsible Authority)**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> <b>Tilson Store, 40 Tilson Road, Tottenham, N17 9UY.</b>	
<b>Post town London</b>	<b>Post code (if known) N179UY</b>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> <b>Zeynel GUNDUZ</b>
---------------------------------------------------------------------------------------------------------------------

<b>Number of premises licence or club premises certificate (if known)</b> <b>LN/000008629</b>
--------------------------------------------------------------------------------------------------

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

from

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address L.B. Haringey Trading Standards Service 1 <sup>st</sup> Floor, River Park House, 225 High Road London N22 8HQ
Telephone number (if any) <b>020 8489-5158</b>
E-mail address (optional) Felicia.Ekemezuma@haringey.gov.uk

**This application to review relates to the following licensing objective(s)**

- |                                         |                                     |
|-----------------------------------------|-------------------------------------|
|                                         | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 2)**

### Introduction

This application to review relates primarily to the objective To Prevent Crime and Disorder but also relates to the objective relating to the Protection of Children From Harm.

It primarily concerns the discovery of non Duty paid beer and wine on the Licensed Premises on 1<sup>st</sup> April 2019 following a visit by officers of Trading Standards and Her Majesty's Revenue and Customs (HMRC). The total amount of UK excise duty evaded from the seizure is £1,124.82. This relates to 162 litres of wine and 504 litres of beer.

The application also deals with the breach of specific Licence Condition's applied by way of Minor Variation at the request of Trading Standards on 21<sup>st</sup> September 2016, namely the requirement to keep valid invoices on the premises for alcohol purchases and to make them available on request. This Minor Variation was agreed with the Premises Licence Holder following a prosecution of the Licensee for stocking illegal products. This prosecution took place on 8<sup>th</sup> June 2016.

There is also evidence of a breach of the following Licence Condition relating to The Protection of Children namely:-

- A register of refused sales shall be kept and maintained on the premises.

As a recent inspection on 10<sup>th</sup> January 2019 under the Councils Responsible Trader Scheme revealed that this register was not being properly maintained.

### **Specific Details of Actions:**

At approximately 10:15 hours on the 01/04/2019, Trading Standards carried out an inspection of the Licenced premises in partnership with officers of Her Majesty's Revenue and Customs (HMRC). The purpose of the visit was to inspect the alcohol and tobacco products on the premises.

A witness statement is attached as Appendix 1 from Ruth STRAUSS of HMRC which gives full details of the visit.

The Premises Licence Holder and Designated Premises Supervisor Mr. Zeynel GUNDUZ was not present during the visit and was apparently out of the country. A man who identified himself as Zeynel GUNDUZ was contacted by an employee and was available by telephone during the visit

A male who identified himself as Matin ARDA appeared to be in charge of the premises on the day of the visit.

During the visit officers discovered a display of beers In the fridge in the shop. Officers found various brands of Polish beer in 50cl cans that were not priced. When asked about the beer

prices the shop assistant confirmed that there was no scanner in the shop and all the Polish beers were priced at £1.29.

Where goods are offered for sale to consumers they must have their price clearly indicated and be inclusive of VAT. This is controlled by the Price Marking Order 2004. To fail to do this can be a criminal offence.

HMRC have stated that UK excise duty on a 500ml can of Perla Black a Polish beer found on the premises at 7.6% ABV is 0.94 pence plus VAT which totals £1.11 a can. this price does not factor in the cost of manufacturing the beer, transport costs, buying from a Cash & Carry who would sell to make a profit. It also does not include the traders profit whilst selling to a retail customer. Officers were, therefore, suspicious that Perla black priced at £1.29 was too low to be economically viable and was therefore and an indicator that the beer was not Duty Paid.

HMRC were also concerned about the wine (RSA Cimarosa) found on the premises and were informed that this was being sold for £5.99 a bottle.

During the visit here were various telephone conversations with the man who identified himself as Mr Zeynel GUNDUZ the Licensee and Designated Premises Supervisor. These are detailed in Ruth STRAUSS's witness statement and I have summarised them below.

Mr GUNDUZ stated he had run the business for seven years. He stated he was in Turkey at the time of the visit and would return the following week. Mr GUNDUZ stated he had purchased the beer and wine from a shop that had closed down called Dem's in Thakaray Avenue, Tottenham a month previously. This was later confirmed by him to be an Off Licence known as Cansu.

When questioned Mr GUNDUZ initially stated the invoice for the alcohol was with him in Turkey and that he had paid for them in Cash.

Mr GUNDUZ was asked to send a photo of the invoice via mobile phone so that the goods in the shop which were suspected of being non Duty Paid could be checked against the invoice. At this point Mr GUNDUZ confirmed the invoice was in fact in the UK.

Mr GUNDUZ confirmed that the beer and wine which was suspected of being non Duty paid had all come from Dems/Cansu which was a shop he had bought which was currently closed for refurbishment.

Trading Standards spoke with Mr. Gunduz over the phone and asked him to provide the invoices for all the alcohol currently in the shop to HMRC as the requirement to provide invoices on request was part of specific Licence conditions for the premises. At this point invoices which were stored in the shop were provided to Trading Standards and HMRC by the shop staff .

When examining the invoices which were available HMRC found one invoice dated 01/02/ 2019 from Abra Wholesale Ltd which shows that 5 cases of Tyskie and 5 cases of Lech had been purchased. A case contains 24 x 50 c/s cans. HMRC found no other invoices for purchases of Polish beer and no invoices for RSA Cimarosa wine.

It is our submission that it is a breach of specific Licence Conditions detailed below to fail to

produce invoices on request for all the alcohol at the premises.

- The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
- 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. Vehicle registration detail, if applicable
- Legible copies of the documents referred to in Condition 3 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.

In previous visit to the premises on 29<sup>th</sup> September 2018 by the Food and Trading Standards Team, officers had discovered 66 Cases of Polish beer in a storeroom in the rear yard of the premises. Mr GUNDUZ was not at the premises and on that day. On that occasion Staff were unable on request to provide an invoice for the beer in the shop.

24/5/2018 A routine visit by a Licensing Officer had led to the officer noting the presence of large stocks of Polish beer in a storeroom in the rear yard.

It is therefore, believed for the reasons above that Polish beers have been stocked and sold by the shop for an extended period and were not a one off transaction of stock from a closed business.

As the visit continued Officers were then informed via a third party speaking to Mr Gunduz that in fact there were no invoices available for the beer and wine which was suspected of being non Duty paid as they had been destroyed by the owner of the shop from which they had been purchased. (See statement of Ruth Strauss: Appendix 1)

The beers and wines which were suspected of being non Duty Paid were seized by HMRC. HMRC have stated that the seizure was not appealed within the time limit and as such the goods were condemned. The total amount of UK excise duty evaded from the seizure is £1,124.82. This equates to 162 litres of wine and 504 litres of beer.

It is normal practice for HMRC to issue an assessment to the trader to pay the Duty owed and I understand that Mr GUNDUZ has contacted HMRC in this respect to pay the Duty.

It can be an offence under Section 144 of The Licensing Act 2003 to keep Non Duty Paid goods on a Licenced Premises.

On 8<sup>th</sup> June 2016 Zeynel GUNDUZ was previously fined £6,000 with Costs of £894.80 in relation to offences relating to illicit tobacco and alcohol in a case brought by Trading Standards.

This matter related to the seizure of 5,000 cigarettes 50 x 50g pouches of hand rolling tobacco which were bore incorrect health warnings and 9 bottles of High Commissioner Whisky which bore false UK Duty stamps. See Hearing Report Appendix 4.

As a result of this prosecution a Minor Variation was made to the Licence with the agreement of the Premises Licence Holder to incorporate requirements to keep relevant invoices on the premises and for them to be available to Council officers on request,

A visit under the Councils Responsible Trader Scheme was made on 10<sup>th</sup> January 2019 and it was discovered during the visit that the Refusals Register was not being maintained on the premises in accordance with the terms of the Scheme and the following Licence Condition relating to The Protection of Children.

- A register of refused sales shall be kept and maintained on the premises.

Attached is the follow up letter sent as a result of this inspection on 28<sup>th</sup> January 2019 see Appendix 3.

Tilson Stores membership of the Responsible Trader Scheme has now been suspended pending the outcome of this Review.

Trading Standards have made this application for Licence Review as they are concerned that:-

- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and / or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.
- The trade in illicit alcohol causes huge losses to the UK's tax revenues.
- The trade in illicit alcohol facilitates teen drinking
- The trade in illicit alcohol makes it harder to beat addiction
- Illicit goods may be harmful as they do not come from legitimate, legal and/or traceable suppliers. There is no guarantee that they are safe and comply with other legislation.
- Supplying alcohol at cheap prices undermines the effectiveness of measures designed to prevent anti social behaviour and undermines the public health message.

Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. The London Borough of Haringey is a local weights and measures authority and that function is carried out by the Trading Standards team.

Here is a summary of events supporting this application:-

Date	Event	Description
1 <sup>st</sup> April 2019	Visit to Licenced Premises by Trading Standards and HMRC	£1,124.82 of non Duty Paid Goods seized. This equates to 162 litres of wine and 504 litres of beer which were seized.
28 <sup>th</sup> January 2019	Letter sent re refusals register	Letter sent reminding premises to use their Refusals Register correctly
10 <sup>th</sup> January 2019	Responsible Trader Scheme Visit	Refusal Register Not being maintained properly.
29 <sup>th</sup> September 2018	Visit by Trading Standards and Food Officers	66 cases of Polish Beer discovered for which no invoices were available
24 <sup>th</sup> May 2018	Visit by Licensing Officer	Officer noticed large stocks of Polish beer
8 <sup>th</sup> June 2016	Prosecution at Highbury Magistrates Court	Zeynal GUNDUZ pleaded Guilty to three offences and was fined £6,000
25 <sup>th</sup> November 2015	Previous Seizure of Illicit Tobacco and alcohol	Trading Standards Seize 5,000 cigarettes, 50 pouches of hand rolling tobacco and 9 bottles of High Commissioner Whisky



Recommendations:

This licensee has clearly demonstrated that there has been a history of a breakdown in due diligence in respect to the sourcing of legitimate products to be sold by the business and a failure to pay Duty to HMRC.

There is also a general lack of adherence to Licence Conditions as specified in this application.

The scale of the Duty Evasion together with a previous conviction for stocking illegal tobacco and alcohol means that Trading Standards have severely reduced confidence in the Premises Licence Holder and Designated Premises Supervisor Zeynel GUNDUZ . Trading Standards therefore, recommend that the Committee seriously consider revoking the Licence.

If the Committee are not minded to revoke the Licence then Trading Standards recommend a period of suspension of the Licence for at least three months and would suggest the Committee require the Designated Premises Supervisor to undertake refresher training or instead be removed from the Licence as deemed appropriate.

**Please provide as much information as possible to support the application (please read guidance note 3)**

**Attached Documents**

Appendix 1: Statement of Ruth STRAUSS of HMRC

Appendix 2: Photos of Seized beer and wine from visit on 1<sup>st</sup> April 2019.

Appendix 3: Letter Sent to Tilson Stores dated 28<sup>th</sup> January 2019 in relation to the use of their Refusals Register.

Appendix 4: Hearing Report from Previous Conviction on 8<sup>th</sup> June 2016.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

N/A

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

25 June 2019

Capacity

TACTICAL TRADING STANDARDS OFFICER

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

RESTRICTED (when completed)

**WITNESS STATEMENT**  
ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of 8 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: RUTH STRAUSS

Date: 23/05/2019

**I work in CITEX Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.**

**I provide the following information under schedule 15 of the enterprise act**

**I acquired the information during my visit under the Customs and Excise Management Act 1979.**

**4. At approximately 10:15 hours on the 01/04/2019, I was on duty with other HMRC Officers conducting a shop inspection under S112 of the Customs and Excise Management Act 1979 also in attendance was Officer Squire from Trading Standards Haringey, we identified ourselves as HMRC officers by way of our official identification cards, and reason for the visit was explained. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop, when we entered the**

Date: 23/5/2019

Signature: [Handwritten Signature]

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

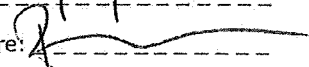
(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

**premises excise goods could clearly be seen behind the counter. The shop details are: Tilson Store, 40 Tilson Road, Tottenham, N17 9UY. The owner of the shop Mr. Zeynel Gunduz was not present during the visit, but during the visit I spoke with a male on the phone who identified himself as Zeynel Gunduz. I spoke with Mr. Gunduz on a mobile phone that was given to me by the shop assistant working at the premises on the day. The phone was handed to me by a male who identified himself as Matin Arda. Mr. Zeynel Gunduz confirmed to me that he had been running this business for 7 years.**

- 1. In the fridge in the shop was various brands of Polish beer in 50cls tins that were not priced. I asked Mr. Gunduz where he had purchased the Polish beer from. Mr. Gunduz said he was in Turkey at the moment waiting for an operation for his son and would be back next week sometime.**
- 2. I again asked Mr. Gunduz where the Polish beer and a wine that was also in the shop and store area called RSA Cimarosa wine 0.75 cls bottles where these products had been purchased from. Mr. Gunduz said he had purchased this stock from a shop called Dem's (corner shop near Thackarey Avenue) as it was closing down, he had purchased this alcohol approximately one month**

Date: 23/5/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

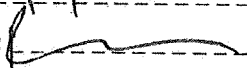
Statement of: Ruth Strauss

ago. No further details were given to me with regards to the full address. In my witness statement I refer to Dem's shop, this was in fact verified by Mr. Gunduz whilst Officer Squire from Trading Standards was speaking to him that the shop name was called Cansu. When I refer to Dem's it is Cansu.

3. I asked Mr. Gunduz where the invoice/invoices were for all the excise goods he had purchased from this shop Mr. Gunduz said the invoice was with him in Turkey. I confirmed with Mr. Gunduz that the RSA Cimarosa wine had come from Dem's, Mr. Gunduz confirmed that the wine had also been purchased from the same place Dem's. I asked how the goods were paid for Mr. Gunduz confirmed that these excise products were purchased by paying cash.

4. I confirmed again with Mr. Gunduz that the invoice relating to the Polish beer and RSA Cimarosa purchased from Dem's was him in Turkey. Mr. Gunduz confirmed that the invoice relating to these goods was with him in Turkey. I asked Mr. Gunduz to send a picture of the invoice via his mobile phone to the shop assistant phone that I was speaking to him on so I could see the invoice as I wanted to verify where all the beer and wine I was querying have come from. Mr. Gunduz then informed me that the invoice was at home in the U.K. Mr. Gunduz then told

Date: 23/5/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

**me he formally took over Dem's shop last month but at present it was shut and being refurbished and all the Polish beer and RSA Cimarosa wine had come from the shop. (phone call terminated)**

**5. I asked the shop assistant behind the till how much the Polish beer was being sold for as there was no price on the fridge and could he scan a can of Perla Black ABV of 7.6% for me as I wished to know the price of a 50cl can. The shop assistant informed me that they had no scanner and all the Polish beer was being sold for £1.29 a can. I also asked about the wine RSA Cimarosa and was informed that this was being sold for £5.99 a bottle. The UK excise duty on a 500ml can of Perla Black at 7.6% ABV is 0.94 pence plus VAT is £1.11 a can, this is without even factoring in the cost of manufacturing the beer, transport costs, buying from a Cash & Carry who would sell to make a profit without the traders profit whilst selling to a retail customer. I had concerns about the UK excise duty having been paid on this products as this was being sold very cheaply.**

**6. Officer Squire the Trading Standards Officer then spoke with Mr. Gunduz over the phone the conversation was played over the speaker so I could also listen to the conversation. Officer Squire asked Mr. Gunduz to provide invoices for the alcohol purchased**

Date: 23/5/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY



RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

as this formed part of the conditions on his licence, these were then provided and other HMRC officers looked through these to see when any Polish beer had been purchased. Officer Squire said the last time he visited the shop as part of a Trading Standards inspection approximately 3-4 months ago he had noted that Polish beer was seen in the shop and store area, and that also a licensing officer had visited on a separate occasion and noted a large stock of Polish beer in the shop and stock room. Mr. Gunduz confirmed that the alcohol had been purchased from Cansu 2 months ago.

7. Looking through the invoices I found one invoice dated 01/02/2019 from Abra Wholesale Ltd which shows that 5 cases of Tyskie and 5 cases of Lech had been purchased. A case contains 24 x 50 cls cans. I found no other invoices for purchases of Polish beer and no invoices for RSA Cimarosa wine.

8. This phone conversation was being conducted by Kemal Gozukra who was present in the shop he is a sales rep that sells confectionary products to this shop and was in the shop at the time of the inspection, he is assisting Mr. Gunduz by translating our questions to Mr. Gunduz from English to Turkish and vice versa for us.

Date: 23/5/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

**9. At approximately 11:10 I informed Mr. Gunduz that I would be seizing all the goods in question i.e. all the Polish beer in 50 cl cans and all the RSA Cimaroda wine in 0.75cl bottles.**

**10. The reasons for my seizure being no invoices provided to me to account for these products. No evidence of UK excise duty having been paid on these products. Perla Black Polish beer being sold at £1.29 a 50 cl can is a very cheap price to be sold and factoring in production, transport, purchasing the goods and profit made on by retailer to customers purchasing this product. It is unrealistic that this product could be sold at this price factoring in all of the above points and that the UK excise duty being paid on this product.**

**11. Mr. Gozukara informed me that he had spoken to the owner of Cansu and they were trying to get the shop owner who they bought these products from to come down to the shop to verify it verbally. I said to Mr. Gozukara that I required more than a verbal confirmation and that I needed to see the invoices from Cansu to verify where they had purchased these excise products from, and also see the itinerary/ written contract of goods transferred over to Mr. Gunduz when he formally took over this premises last month and what that entailed.**

**12. As I have seen one invoice for the purchase of Tyskie and**

Date: 23/5/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

**Lech beer I will not be seizing these products.**

**13. I explained to Mr. Gozukara about the seizure paperwork that I was issuing to the trader and his right to appeal the seizure, Mr. Gozukara said he would pass this onto the staff so they knew what was going on.**

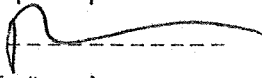
**14. Mr. Gozukara later informed me that Matin Arda the shop assistant had spoken to the owner of the shop Cansu and that he is not going to help and that he has destroyed all the invoices as he is no longer in business anymore.**

**15. I informed Mr. Gozukara that as a business and previously the owner of Cansu that the trader has an obligation to retain and keep records for 6 years.**

**16. At approximately 12.31 hours a male turned up and provided id detail's and confirmed he was the brother of Mr. Gunduz. Brother's details: Sevket Gunduz. I issued all the seizure paperwork to him and explained the right to appeal the seizure, he said he would pass the paperwork onto his brother when he returned from Turkey. I also left my work card with my contact details should Mr. Gunduz wish to speak with me.**

**17. The seizure was not appealed within the time limit and as such the goods were condemned. The total amount of UK excise duty evaded from the seizure is £1,124.82 has been**

Date: 23/05/2019

Signature: 

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

**extracted from a departmental database. This equates to 162 litres of wine and 504 litres of beer.**

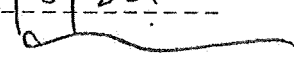
**18. To cut down on unlawful selling of alcohol HMRC have bought in a scheme that requires all businesses who are wholesaling alcohol to become registered AWRS (Alcohol Wholesaler Registration Scheme) if the business is successful will be issued with a unique reference number which will be visible on the invoice, so the retailer will know that the wholesaler is approved by HMRC. It also requires retail buyers to make sure that they are purchasing alcohol from a registered and approved supplier.**

**19. HMRC may seize stock supplied from an unapproved UK wholesaler.**

**20. From the 1<sup>st</sup> April 2017 trade buyers who buy their alcohol from UK wholesalers for re-sale need to make sure that these wholesalers are approved by HMRC for AWRS.**

**21. HMRC provides an online look up service that allows trade buyers to look up the details of the alcohol suppliers to ensure that they are approved for AWRS.**

Date: 23 | 5 | 2017

Signature: 

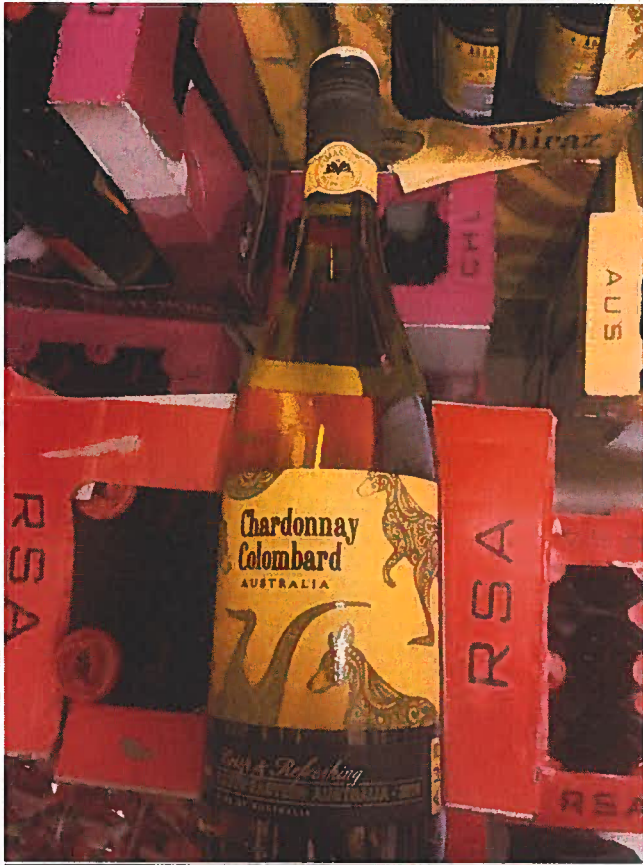
(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Photographs of Wine and Beer found in the shop and storage area.





Environment & Neighbourhoods

Regulatory Services Manager: Gavin Douglas



Tilson Stores  
40 Tilson Road  
London  
N17 9UY

Your ref: WK/000428982  
Date: 28th January 2019  
Contact: Murthy Balakrishnan  
Tel: 0208 489 4519  
Email: Murthy.Balakrishnan@Haringey.gov.uk

Dear Sir,

**Responsible Retailer Scheme – Compliance Inspection**

I carried out an inspection on the **10<sup>th</sup> January 2019** for compliance of the Responsible Retailer Scheme. During the inspection, I noticed that your staff were not keeping the refusal book or making entry in one. One of the condition of the scheme is that you and your staff make entries in the refusal book, when the need occurs. The officer who completed the application form highlighted this in red.

The use of a refusal book has two-fold benefit. Firstly, it show that the business is taking proactive steps to prevent the sale of age-restricted goods (alcohol and cigarettes). Secondly, by maintaining a refusal book, you are establishing a due diligence defence. It show that you and your staff have taking a positive steps by not selling age-restricted goods.

The entries in the refusal book is the evidence of this positive action. The refusal book entries can be given as evidence on the off chance that a sale of age restricted is accident made by you or your staff. The refusal book would indicate that on various occasion no sale of age restricted was made.

I hope that I have emphasised the importance of maintaining a refusal book. I is also a condition of the membership to have and fill a refusal book. If you need to contact me, please ring me on the above number.

Yours faithfully

Murthy Balakrishnan  
Senior Trading Standards Officer

Commercial Environmental Health  
& Trading Standards  
1<sup>st</sup> Floor North, River Park House  
225 High Road, Wood Green  
London N22 8HQ

T: 020 8489 5134

[www.haringey.gov.uk](http://www.haringey.gov.uk)

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FROM: LEGAL SERVICES OUR REF: LEG/CC/50806/AM	TO: Trading Standards
<b><u>COURT HEARING REPORT</u></b>	
<u>DATE OF HEARING:</u> 8/6/16 <u>ADVOCATE:</u> A.MORRIS	<u>COURT:</u> TOTTENHAM MAGISTRATES' COURT SITTING TOTTENHAM MAGISTRATES' COURT, LORDSHIP LANE, LONDON, N17
<u>DEFENDANT:</u> Zeynel Gunduz <u>DOB:</u> 11/6/71	<u>ADDRESS:</u> 40 Tilson Road, Tottenham, London N17 9UY
<u>ALLEGED OFFENCE / NATURE OF COMPLAINT / APPLICATION / APPEAL:</u> Consumer Protection Act Prosecution	
<u>RESULT / FINE / ORDER:</u> Defendant attended unrepresented but with his daughter. Guilty plea to all 3 charges. Fined £6000, Vs £120 & costs of £894.80	<u>COSTS AWARDED:</u> £894.80(full)
<u>REMARKS:</u> Defendant attended unrepresented but with his Daughter (over 21yrs) as an interpreter. (had the benefit of a meeting with Duty Sol for the day – who advised but did not represent) Guilty plea to: all 3 charges. Mitigation: - <ul style="list-style-type: none"> <li>• In essence everything has been said by the prosecution and is agreed</li> <li>• Even though he did not sell the goods accepts that the responsibility is his as the owner of the shop</li> <li>• Alcohol purchased from cash and carry and though it was legitimate did not know that they were fake</li> <li>• Should have checked</li> <li>• Employee who purchased the stock can be produced if needs be as he is outside court today.</li> </ul> Bench – Credit for guilty plea but these are very serious offences for which you could be sentenced at a higher ct and face prison Fined £1500,(1) £1500 (2) £3000 (3) Vs £120 Costs of £894.80(full) Payable at £2014 within 7days (15/6/16) balance of £5k every 15day of the month at £500 . Collection Order made	
Fee Earner: Toni Taylor For Assistant Director of Corporate Governance	

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Appendix 2 – Copy of conditions made for Minor Variation in 2016

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## **Memorandum**

**Date:** 7<sup>th</sup> September 2016

**Ref:** WK/000363541

**From:** Daliah Barrett-Williams  
Enforcement Services

**To:** See Below

**APPLICATION FOR A MINOR VARIATION TO A PREMISES LICENCE –  
TILSON STORES, 40 TILSON ROAD, TOTTENHAM,  
LONDON N17 9UY**

Please find an application attached for a Minor Variation to a Premises Licence at the above address. Please find details of application below:

**To add conditions under:**

"The Prevention of Crime and Disorder"

1. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
2. 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.
3. 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. Vehicle registration detail, if applicable
4. Legible copies of the documents referred to in Condition 3 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.
5. Copies of the documents referred to in Condition 3 above shall be retained on the premises for period of not less than twelve months.

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

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

8. All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

9. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

10 . Only products available for retail sale can be stored at the licensed premises.

All responses must be received by the **20<sup>th</sup> September 2016**, even if you have no comments a response would still be appreciated.

Daliah Barrett-Williams  
**Licensing Team Leader**

Appendix 2a – Copy of current licence

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**PREMISES LICENCE**

**Receipt:** AG 964767

**Premises Licence Number:** LN/000008629

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
6<sup>th</sup> Floor Alexandra House, 10 Station Road,  
Wood Green, London, N22 7TR**

**Signature:** .....

**Date:** 25<sup>th</sup> September 2010

Minor Variation: 21<sup>st</sup> September 2016

**Part 1 – PREMISES DETAILS**

**Postal Address of Premises or, if none, Ordnance Survey map reference or description:**

**TILSON STORE  
40 TILSON ROAD  
TOTTENHAM  
LONDON  
N17 9UY**

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

**Supply of Alcohol**

**The times the Licence authorises the carrying out of licensable activities:**

**Supply of Alcohol**

**Monday to Sunday                                                  0700 to 2300**

**The opening hours of the premises:**

**Monday to Sunday                                                  0700 to 2300**

**Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:**

Supply of alcohol for consumption **OFF** the premises only



## **Annex 1 –Mandatory Conditions**

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
    - (i) The holder of the premises licence
    - (ii) The designated premises supervisor (if any) in respect of such a licence, or
    - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the

premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2- Conditions consistent with the Operating Schedule**

Standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

### **THE PREVENTION OF CRIME AND DISORDER**

- No less than 2 members of staff will be on the shop floor between 22.00 to closing time.
- CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulder images of any person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for minimum of 31 days. Recordings shall be made available to Authorised Officer and Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
- Premises to adopt Challenge 21 The National Proof of Age Standards Scheme.
- The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
- 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.
- 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. Vehicle registration detail, if applicable
- Legible copies of the documents referred to in Condition 3 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.
- Copies of the documents referred to in Condition 3 above shall be retained on the premises for period of not less than twelve months.
- An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
- Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Council of this immediately.

- All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
- Only products available for retail sale can be stored at the licensed premises.

#### **PUBLIC SAFETY**

- Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances will be checked annually and comply with relevant British Standards.
- All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.

#### **THE PREVENTION OF PUBLIC NUISANCE**

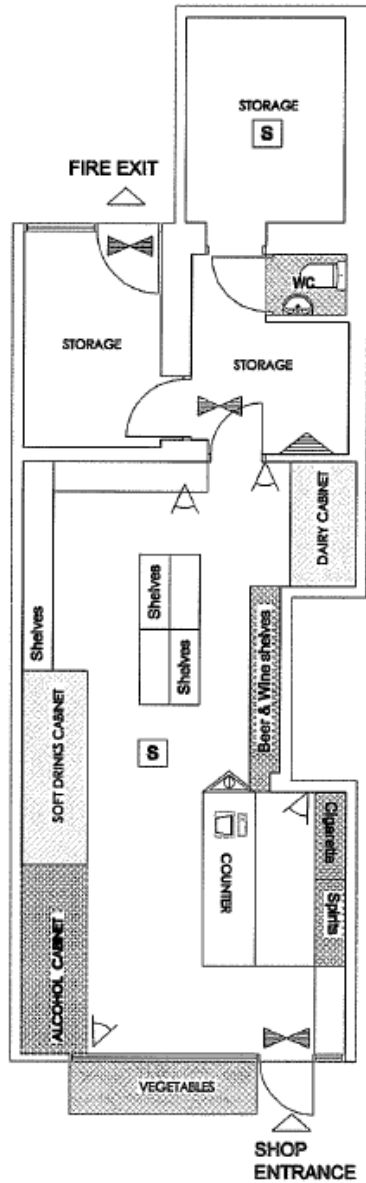
- Clear and legible notices will be displayed to remind customers to leave quietly
- Trade waste agreement to be maintained at all times.

#### **THE PROTECTION OF CHILDREN**

- The premises will be effectively and responsibly managed.
- There will be a sufficient number of staff employed or engaged.
- Appropriate instruction, training and supervision will be given to those employed and engaged.
- The licensee and staff will ask Persons who appear to be under the age of 21 for photographic ID such as:
  - Proof of age cards
  - Connexions Card and Citizen Card
  - A photographic driving licence or passport
  - An official identity card issued by HM Forces or by European Union Country bearing the photograph and date of birth of bearer.
- A register of refused sales shall be kept and maintained on the premises.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Not applicable



GROUND FLOOR PLAN

**LEGEND**

-  WC AREA
-  FRIDGES
-  LIQUOR SHELVES
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  POWDER FIRE EXTINGUISHER

**TILSON STORE**

40  
TILSON ROAD  
LONDON  
N17 9UY

**PROPOSED  
GROUND FLOOR**

SCALE : 1/100@A4

DATE : 23/08/10

REF. NO : E230810

**ACT 2003**  
90 Green Lanes LONDON  
N16 9EJ

Tel : 020 7241 3636(4line)

www.act2003.com



Appendix 3 – Copy of Public Health representation

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<b>Responsible Authority:</b>	Haringey Public Health, London Borough of Haringey
<b>Date:</b>	22/07/2019
<b>Name:</b>	Maria Ahmad, Health Improvement Officer Marlene D'Aguiar, Health In All Policies Officer
<b>Contact:</b>	<a href="mailto:Maria.Ahmad@Haringey.gov.uk">Maria.Ahmad@Haringey.gov.uk</a> <a href="mailto:Marlene.DAguiar@haringey.gov.uk">Marlene.DAguiar@haringey.gov.uk</a>

Public Health representation relation to: TILSON STORE, 40 TILSON ROAD, TOTTENHAM, N17 9UY

### **Supply of Alcohol**

**Monday to Sunday** **0700 to 2300**

### **The opening hours of the premises:**

**Monday to Sunday** **0700 to 2300**

### **Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:**

Supply of alcohol for consumption **OFF** the premises only

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003 and would like to make a representation in support of the review regarding the premises license at: TILSON STORE, 40 TILSON ROAD, TOTTENHAM, N17 9UY

Public Health has concerns under the following licensing objectives:

- Crime and disorder
- Protecting Children from Harm

### **Haringey: Alcohol and Health**

Tackling alcohol misuse is key to achieving the outcomes in Haringey's Health and Wellbeing Strategy: giving every child the best start in life, reducing the gap in life expectancy between the east and west of the borough and improving mental health and well being. Part of achieving these involves community safety efforts to tackle alcohol crime and anti-social behaviour and ensuring health considerations are taken into account in any licensing decisions. We want to create a culture that prevents problem drinking from starting and provides help for people early on should they be struggling.

Haringey experiences some of the greatest levels of alcohol-related problems in London and the harm due to alcohol is a growing concern. In the five-year period of 2009/10 – 2014/15, alcohol related hospital admissions increased by 38% with the local cost of these admissions now estimated to be £7.5 million annually. During the same time period, the (DSR) rate of admissions per Haringey person also increased for both men and women, 31% and 26% respectively. Across the borough, there are currently over 800 licensed premises for the sale and supply of alcohol and this figure continues to rise, with some areas of high-level clustering. Evidence shows that an increased number of alcohol outlets results in significant

increases in alcohol consumption and alcohol-related harm (including injury, violence and medical harm). Antisocial behaviour associated with street drinking has been recognised as a concern in Haringey. Problems identified include; litter, noise, urination and intimidation all of which have a detrimental impact to the quality of life for residents.

Though many factors are known to contribute to the above, the licensing committee has direct influence over two: density of licensed premises and trading hours.

## **Local Context of the Premises**

The premises is located within a busy residential area and surrounded by 1 children's centre and 1 primary schools located within 500 meters of the premises (SafeStats, 2016). There are 4 on licenses and 3 off licences within 250m.

The premises has also been subject to prior offences since November 2015 over concerns of crime and disorder associated with the premises.

Public Health has specific concerns about the applicant's ability to uphold the 4 licensing objectives following seizures of illicit alcohol from the licensed premises under the control of the Premise License Holder and Designated premises Supervisor Zeynel Gunduz on 1st April 2019.

The premises have not adequately demonstrated their commitment to uphold the licensing objectives, particularly relating to the prevention of crime and disorder and protecting children from harm. The Licensing Authorities approach to the supply of illicit goods is set out in Haringey's Statement of Licensing Policy 2016-21 at paragraph 58. It states that where illicit goods have been found it is considered as poor management which has the potential to undermine the licensing objectives.

## **Crime and disorder**

The repeated sale of illicit alcohol constitutes illegal activity in direct contradiction to a commitment to the prevention of crime and disorder, and has likely exacerbated issues in the area.

The LSOA (small geographical area) in which the premise is located saw 6 alcohol related ambulance callouts in 2017/18. On Tilson Road there were 28 crimes in the past year (June 18 to May 2019), of which 14 (50%) were violent or sexual offences and 4 (14%) were anti-social behaviour (Police.UK).

This premises is located in the east of the borough where the impact of the sale of high strength beers lagers and ciders is having an adverse effect. The increase in street drinking and anti-social behaviour as a result of the increase and easy availability of these high strength cheap alcohol is being seen within the wards in the east of the borough. Supplying alcohol at cheap prices does not help to prevent anti-social behaviour and undermines the public health message.

## **Protecting Children from Harm**

In the last compliance inspection (January 2019) the licence premises failed to keep a refusal book as part of the condition for the Responsible Retailers Scheme and therefore have not demonstrated their commitment to promote licensing objective; protecting children from Harm. Due to the premises situated within a busy residential area and two schools located nearby including a children's centre and primary school (4 min walk away), we have concerns over the safeguarding of children.

## **Recommendation**

Public health is not confident in licensee's ability to promote the four licensing objectives going forward and therefore we recommend the committee considers revoking the license.

Should committee not revoke the license we recommend that the Designated Premises Supervisor be removed from the license as deemed appropriate and recommend the following conditions be attached to the license.

- No alcoholic goods or tobacco products will ever be purchased or taken from persons calling to the shop. The licensee will ensure that all purchases are made from authorised wholesalers and invoices for all goods on the premises will be made available and produced for inspection by council officers, police or HMRC upon request.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards as soon as possible.
- The licensee shall adopt the 'Challenge 25 policy', and promote it on their premises through the prominent display of posters.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the council licensing team, Trading Standards or the police.
- The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the cctv system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by authorised officers. Staff shall sign to confirm that they have received and understood the training.
- Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
- All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Training shall be regularly refreshed and at no greater than 6 monthly intervals. The premises shall display prominent signage indicating that it is an offence to sell alcohol to anyone who is drunk.
- High strength alcohol sale restriction: no super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises
- No promotion of super-strength alcohol (above 6.5% ABV) and single cans (i.e. buy one get one free) OR there shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
- There shall be no self-service of spirits on the premises
- The licensee should continue the responsible retailers plus scheme

*These conditions are designed to ensure that the licensee takes appropriate steps to promote and uphold all four licensing objectives. We believe that all licensees who are fulfilling their duty to promote the licensing objectives will be already complying with many of these conditions. These are the type of precautions needed to meet Haringey's Statement of Licensing Policy requirement of a high standard of management.*