

**Report for:** Licensing Sub Committee – 29<sup>th</sup> November 2021

**Title:** Application for a Review of a Premises Licence – Tiger Food & Wine, 20 Lordship Lane London N17.

**Report authorised by:** Daliah Barrett, Licensing Team Leader, Regulatory Services

**Ward(s) affected:** Northumberland Park

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

**1. Describe the issue under consideration**

- 1.1 This application to review is submitted by Trading Standards RA and relates primarily to the objective to prevent crime and disorder but also concerns the protection of children from harm.
- The premises was also discovered to stocking non-Duty paid cigarettes and hand rolling tobacco on 30<sup>th</sup> April 2021, following a visit by officers of the Trading Standards Service. Trading Standards also wish to highlight concerns with regards to the Duty status of beer stocks found on the premises and the fact that the shops CCTV was not recording images at the time of the visit which is a breach of the licence conditions. There was a further incident at the premises on 1<sup>st</sup> September 2021, where an underage test purchase was made. On this occasion a can of Gordons Gin was sold to a 16 year old female.
- 1.2 The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr. Burcin YURGA . The premises is licensed for the following:

**Supply of Alcohol**

**Monday to Sunday 0530 to 0100**

**The opening hours of the premises:**

**Monday to Sunday 0530 to 0100**

The application is set out at **Appendix 1** to the report.

- 1.3 Representations have been received from the Licensing Authority and Public Health in support of the review. **Appendix 2.**

**1.4 Consideration for LSC**

The Sub-Committee will be asked to determine this application and has the option to:

a) **Modify the conditions of the licence**

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives;

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

**b) Exclude a licensable activity from the scope of the licence**

The Sub-Committee may decide that it is proportionate and relevant to the Licensing objectives to remove one or more of the licensable activities;

**c) Remove the Designated Premises Supervisor**

**d) Suspend the licence for a period not exceeding three months**

**e) Revoke the licence**

Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

The Sub-Committee is asked to state its reasons considering the representations received and what is appropriate for the promotion of the licensing objectives.

## **2. Background**

- 2.1 The existing premises licence was transferred to Mr BurcinYurga in October 2011. A copy of the premises licence is at Appendix 3. The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found at the premises i.e. non-duty paid cigarettes. Breaches of licence conditions have also been witnessed.

## **3. Licensing Policy**

- 3.1 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information.
- 3.2 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 3.3 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 3.4 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, It is expected that revocation of the licence – even in the first instance – should

Be seriously considered [Guid s.11.28].

3.5 This Licensing Authority, in determining what action to take, will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.

#### **4. Other considerations**

4.1 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'.

#### **5. Human Rights**

5.1 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.

#### **6. Use of Appendices**

Appendix 1 – Review Application Form and supporting documents

Appendix 2 – LA Responsible Authority Representations

Appendix 3 – copy of current Premises Licence

#### **7. Background papers**

Section 82 Guidance

Haringey Statement of Licensing Policy