

Report for: Licensing Sub Committee – 01st August 2022

Title: Application for a Review of a Premises Licence – Star Food & Wine, 23 Westbury Avenue, Wood Green, London, N22 6BS

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

Ward(s) affected: Noel 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. The application is set out at **Appendix 1** to the report.
- 1.2 The matter primarily concerns an incident at the premises on 22nd March 2022 during a Trading Standards inspection in which a locked safe was seized following an indication from tobacco search dogs. The safe was subsequently opened and found to contain a quantity of illegal tobacco.
- 1.3 The Premises Licence Holder (PLH) is Hunter Supermarket Ltd. The Designated Premises Supervisor (DPS) Mr. KEMAL AVCI. The premises is licensed for the following:

Supply of Alcohol

Monday to Sunday 0000 to 0000

The opening hours of the premises:

Monday to Sunday 0000 to 0000

A copy of the Premises licence is attached at 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.

- 1.4 Public Health has submitted a representation in support of the Trading Standards review. App 3

2. Background

- 2.1 The existing premises licence took effect in November 2005. A copy of the premises licence is at Appendix 2. 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.

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 – Copy of current Premises Licence

Appendix 3- Public Health representation

7. Background papers

Section 82 Guidance

Haringey Statement of Licensing Policy