

Report for: Licensing Sub Committee – 18th March 2024

Title: Application for a Review of a Premises Licence – Station Supermarket – Formerly – First Supermarket 38 Bounds Green Road London N11

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

Ward(s) affected: **Bounds Green**

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 a number of incidents /visits to the premises:
- 1.3 On 24th May 2023 trading Standards carried out a visit accompanied by the Metropolitan Police Service, they discovered a total of 227 disposable vapes, which did not comply with the Tobacco and Related Products Regulations 2016 in that the tanks exceeded the 2ml maximum size allowed for these products.
- 1.4 On 9th August 2023 Trading Standards conducted an underage test purchasing exercise. An underage person entered the Licenced Premises and was able to purchase an Elf Bar 600 disposable vape.
- 1.5 On 17th October 2023 as part of Operation CeCe which is an initiative to tackle illegal tobacco being sold in the Borough, on this occasion a quantity of illicit cigarettes were found and Kamagra gel.
- 1.6 The Premises Licence Holder (PLH) at the time was Irfan Erdogan. The Designated Premises Supervisor (DPS) Mr. Ali Sel. There has be two separate attempts to transfer the licence into different since the last visit in October. The first application was for a transfer to Haydar Erdogan. The Police objected to this, and the application was later withdrawn. The second application was in the name of Mr Hurcem Merkan. This application was processed and has taken effect.
- 1.7 The current licence permits the following:
Supply of Alcohol

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

Supply of Alcohol

Sunday to Thursday 0800 to 0000

Friday to Saturday 0800 to 0100

opening hours of the premises:

Sunday to Thursday 0800 to 0000

Friday to Saturday 0800 to 0100

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

A copy of the Premises licence is attached at Appendix 2.

2 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.

3 Background

- 3.1 The existing premises licence took effect in 20th October 2016. The Premises has had previous issues with illicit tobacco and alcohol that led to targeted conditions being imposed on the licence when it was granted in October 2016. The initial Premises Licence fallen away in 2016 when it became apparent that the limited company it was held in had been dissolved some time earlier but the operator at the time ad failed to notify the Licensing Authority. The matter came to light when the Trading Standards Officer was seeking to review the licence for illicit tobacco and alcohol found onsite at that time.

4 Licensing Policy

- 4.1 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.
- 4.2 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].

- 4.3 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].
- 4.4 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].
- 4.5 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.

5 Other considerations

- 5.1 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'.

6 Human Rights

- 6.1 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.

7 Use of Appendices

Appendix 1 – Review Application Form and supporting documents
Appendix 2 – Copy of current Premises Licence
Appendix 3- Emails from NARTS on behalf of the Licence holder.

8 Background papers

Section 82 Guidance
Haringey Statement of Licensing Policy