

Report for: Licensing Sub Committee – 04th November 2024

Title: **Application for a Review of a Premises Licence – Sofi Mar 516 High Road London N17**

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

Ward(s) affected: Tottenham Hale

Report for Key/

Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 The review application relates to the prevention of crime and disorder licensing objective and the protection of children from harm objective. Smuggled goods have been found on a number of occasions on the premises i.e. non-duty paid cigarettes. The business also sold a vape to an underage person. The premises has a history of similar issues in general. The application is set out at **Appendix 1** to the report.
- 1.2 The review has highlighted the lack of management/ownership of the shop and the day to day management of the business. There is further information on this aspect in the background section to this report.
- 1.3 The Premises Licence Holder is Ms F Manescu. The Designated Premises Supervisor (DPS) is Ms Cornelia Cotlogut.

- 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

Monday to Sunday 0900 to 2200

The opening hours of the premises:

Monday to Sunday 0900 to 2200

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

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

2 Review

- 2.1 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. 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].

2.2 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].

2.3 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 **Decision:**

3.1 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps 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 [Act s.52].

3.2 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response [Guid s.11.20]. 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.

4 **Background**

4.1 Ms Mosescu has held the Premises License since it was granted on 28th December 2022. The DPS position was varied to Ms Cotlogut on 26th September 2023. The Licensing Authority made many attempts to contact Ms Mosescu. Contact was made by phone on 14th October 2024- A male answered the phone and a message was

left asking Ms Mosescu to contact the Licensing Authority. No contact was made. The Authority called Ms Mosescu back on 16th October. Ms Mosescu explained that she was no longer involved with the premises and had left it over 7 months ago, she was at home looking after her child.

The current review and possible implications/outcomes were explained to Ms Mosescu. The application to Transfer the Premises Licence and the impact of the objection was explained to Ms Mosescu.

Ms Mosescu reiterated that she was not involved with the premises in the last 7 months and she had paperwork to show she had 'sold' the business on. She said she would send the documents through as proof, no documents arrived. Ms Mosescu also explained that she would be getting her Licensing Agent Mr Gibson to contact the Authority.

- 4.2 A Transfer application was received from a Daniel Stegariu to take over the Premises Licence on 23rd September 2024. This application received an objection from the Police and was withdrawn by the applicant on 22nd October 2024.
- 4.3 The transfer application was made in the name of Universal Food Shop Ltd, the director is Ms Cornelia Cotlogut, who is the current named DPS on the Premises Licence.
- 4.4 On checking with the Rates Team it was noted that Soffi & Co Ltd became the ratepayer for Sofi Mar in 2022. The named director is Cornelia Cotlogut.
- 4.5 Due to the lack of engagement from the business a visit was made to the premises on 21st October 2024 to establish who was responsible at the premises. The staff onsite contact Ms Mosescu by phone and she confirmed to the Officer that she was still the PLH and Ms Cotlogut the DPS. The staff onsite refused to provide their name/s to the Officer at the time of the visit.

5 Other considerations

- 5.1 An explanation of the Op Ce-Ce and the initiative to combat illicit tobacco trade and crime. Appendix 3.
- 5.2 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, 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 – Explanation of Op Ce-Ce.

8 Background papers

Section 82 Guidance
Haringey Statement of Licensing Policy