

## 4. REPORT

### Background

A premises licence was issued to Mr Ali Taze in November 2005 to allow the premises to come into the new Licensing regime under grand fathered rights. The holder of the licence has remained the same throughout. The premises was originally found to be stocking and selling illicit goods in October and November 2014. An underage test purchase in December 2014 was failed by the licence holder a further discovery of illicit tobacco was found. The most recent incident in May 2017 found further stock of illicit tobacco on the premises. Mr Taze was provided with advice and given the opportunity to apply for a Minor Variation in 2016 but failed to action this.

The Section 182 Guidance advises that reviews may arise in connection with crime that is not directly connected with licensable activities. 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 and 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 authorities' duty is to take steps in the interests of the wider community and not those of the individual licence holder.

The Licence and its conditions are shown as Appendix 1A.

### Licensable activities authorised by the Licence:

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

#### Supply of Alcohol

<b>Monday to Saturday</b>	<b>0800 to 2300</b>
<b>Sunday</b>	<b>1000 to 2230</b>
<b>Good Friday</b>	<b>0800 to 2230</b>
<b>Christmas Day</b>	<b>1200 to 1500 &amp; 1900 to 2230</b>

**The designated premises supervisor is: Mr Ali Taze**

#### **Details of the Application for Review and Supporting Documentation. Appendix 1**

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

The premises were found to be stocking and selling non duty paid tobacco and alcohol from the premises.

## 5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

### Responsible authorities:

**5.1 Comments of Metropolitan Police**

No representation made.

**5.2 Comments of Enforcement Services:**

No representation made

**5.3 Comments of The London Fire and Emergency Planning Authority**

No representation made.

**5.4 Comments from Licensing Authority**

Representation made.

**5.5 Comments from Public Health RA**

Representation made

**6.0 Comments of Interested Parties**

No comments made.

**7.0 POLICY CONSIDERATIONS****7.1 The following provisions of the Licensing Act 2003 apply to this application:  
Section 51-53 (review of premises licenses)**

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.24-11.28 These provisions are attached at **Appendix 2.**
- 8.1 The following paragraphs of the licensing authority's Statement of Licensing Policy apply to this application; Section 78, these provisions are attached at **Appendix 3.**
- 8.2 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

## Appendix 1– Application for Review

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

HK/383986

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

HARINGEY COUNCIL  
LICENSING  
RECEIVED

30 MAY 2017

**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 Trading Standards - RA**

(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**

**Postal address of premises or, if none, ordnance survey map reference or description**  
Yesim Supermarket, 260 Philip Lane , London N15 4AD

**Post town** London

**Post code (if known)** N15 4AD

**Name of premises licence holder or club holding club premises certificate (if known)**  
Ali TAZE

**Number of premises licence or club premises certificate (if known)**  
LN/000003187

**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)**

fro

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

Name and address

L.B. Haringey Trading Standards Service  
6<sup>th</sup> Floor,  
Alexandra House, 10 Station Road,  
London N22 7TR

Telephone number (if any)

**020 8489-5158**

E-mail address (optional)

Rebecca.whitehouse@haringey.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

This application to review relates to the objectives To Prevent Crime and Disorder.

It particularly relates to the discovery of illicit tobacco on the Licensed Premises on 16<sup>th</sup> May 2017 and a previous occasion on 11<sup>th</sup> December 2014 where an underage sale was made by the Premises License Holder and Designated premises Supervisor Ali TAZE himself. It also relates to two previous incidents namely on 19<sup>th</sup> November 2014 where illicit tobacco was found on the premises and on 15<sup>th</sup> October 2014 where illicit tobacco and alcohol was discovered on the premises. On all four occasions the premises was under the control of the Premises Licence Holder (PLH) Ali TAZE and for the two incidents which took place after 25<sup>th</sup> November 2014, Ali TAZE was also the Designated Premises Supervisor(DPS) of the premises.

Ali TAZE, has in the view of Trading Standards been heavily involved at the premises throughout all of the incidents detailed in this application. He is a Director of Delli USAK Limited the company which appears to own the business. According to Companies House records TAZE was appointed as a Director on 6<sup>th</sup> April 2015 (See Companies House Print out Attached Documents 1 and 2).

The business is a member of Haringey Councils Responsible Retailer Scheme and the application to join the scheme was signed and submitted by Ali TAZE himself on 4<sup>th</sup> June 2014 (see attached document 3). In this document he describes himself as the "Owner (director)". The conditions of the scheme are attached on page 4 of this document which include an agreement "...to abide by all legislation relating to the sale of age restricted products", and an agreement "...to abide by all legislation relating to the retail supply of alcohol and tobacco including that legislation enforced by Environmental Health Services and HM Revenue and Customs".

Ali Taze completed the Food Registration for the business on 26<sup>th</sup> July 2014 (See attached document 4). In this document he signed as the "Food Business Operator".

The most recent incident occurred on 16<sup>th</sup> May 2017 when officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the Off Licence premises of Yesim at 260 Philip Lane, London N15 to inspect the stock of alcohol and tobacco. The PLH and DPS Ali TAZE were not present in the shop.

During the visit officers dealt with a staff member, namely a Mr KOCA. On entry to the premises the officers identified themselves and showed their warrant cards. It was explained that Trading Standards and HMRC wished to conduct an inspection of the alcohol and tobacco in the shop.

An HMRC officer asked Mr KOCA if there was any foreign tobacco on the premises, he replied "No". Mr KOCA was then asked if there was any foreign tobacco for the use of staff. He replied "No". During this conversation it was obvious from Mr KOCA's body language and actions that he was trying to conceal something behind the counter. The HMRC officer asked him to hand over what he was trying to hide and he produced a small carrier bag six 50g packets of hand rolling tobacco.

The tobacco was not Duty paid and bore foreign language health warnings which did not comply with the Tobacco and Related Products Regulations 2016. An inspection was carried out of the shop premises and store, no further tobacco was found. (See attached document 5 for a photograph of some of the tobacco) This tobacco was seized by HMRC.







2014	over as Designated Premises Supervisor	Designated Premises Supervisor. Licence Reissued 25 <sup>th</sup> November 2014 with Ali Taze now both PLH and DPS. (see Application Attached document 9)
11 <sup>th</sup> December 2014	Underage Test purchase carried out by Police and Trading Standards	Bottle of Heinekin lager sold to Police Cadet who was under 18 years of Age by Ali TAZE.
8 <sup>th</sup> December 2015	Ali Taze Signs Simple Caution	Simple Caution Signed in respect of the underage Sale on 8 <sup>th</sup> December 2014.(See Attached Document 7)
8 <sup>th</sup> January 2016	Trading Standards Writes to Ali TAZE to request Minor Variation	Minor Variation requested to Strengthen Licensing Conditions (See Attached Document 8) No reply received from Ali TAZE
29 <sup>th</sup> January 2016	Trading Standards sends reminder letter re Minor Variation	Minor Variation requested to Strengthen Licensing Conditions (See Attached Document 8) No reply received from Ali TAZE
31 <sup>st</sup> January 2017	Responsible Retailer Compliance Check Carried Out	Business found to have no "Refusals book" in Use (See attached Visit Record document 6) and conditions of Responsible Retailer Scheme (Attached Document 3)
16 <sup>th</sup> May 2017	Inspection Carried out by Trading Standards and HMRC	6 packets (300g) of Hand Rolling tobacco found which were non Duty Paid and with incorrect health warnings (see attached Photo Document 5)













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

..... *R. H. M. A. C. S. E.* .....

Date

..... *28/5/17* .....

Capacity

..... *CEH/TS Manager* .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**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.

## Appendix 1A – Premises Licence

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## PREMISES LICENCE

Receipt: AG762528

Premises Licence Number: LN00001445  
LN/000003187

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
Alexandra House, Level 6, 10 Station Road,  
Wood Green, London, N22 7TR**

Signature:.....

Date: 24<sup>TH</sup> November 2005  
25<sup>th</sup> November 2014

### Part 1 – PREMISES DETAILS

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

**YESIM SUPERMARKET  
260 PHILIP LANE  
TOTTENHAM,  
LONDON, N15 4AD**

**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 Thursday                      0700 to 0000

Friday to Sunday                          0700 to 0100

**The opening hours of the premises:**

Monday to Thursday                      0700 to 0000

Friday to Sunday                          0700 to 0100

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

Supply of alcohol for consumption OFF the premises only

LICENSING ACT 2003  
Sec 24

Part 2

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

Mr Ali Taze

**Registered number of holder, for example company number, charity number (where applicable):**

Not applicable

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Mr Ali Taze

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

LN/000002771

Issued by London Borough of Haringey

## **Annex 1 –Mandatory Conditions**

**(2) Supply of alcohol:** 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.

(3) The second condition is that every supply of alcohol under the premises licence must be made  
or authorised by a person who holds a personal licence.

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

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

CCTV will be installed and maintained to the satisfaction of the Police and Council with footage available on demand.

All crime and disorder will be reported to the Police.

A Redcare Alarm System will be fully functional at all times.

There will be a minimum of two persons present at the premises from 23:00.

### **PUBLIC SAFETY**

Premises will comply with all Health and Safety requirements.

Premises will comply with all Fire Safety requirements.

All customers will be evacuated immediately in the case of any emergencies.

CCTV will be operational at all times.

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

No noise will be audible outside the façade of the premises.

Great care will be taken not to disrupt neighbours at opening and closing times.

Except trade refuse, no litter will accumulate outside the premises.

No customers will be allowed to congregate outside the premises.

### **THE PROTECTION OF CHILDREN**

A strict policy of ID will be enforced for the sale of alcohol to over 18's only.

Premises will comply with all the requirements of the Police and co-operate for the protection of children from harm.

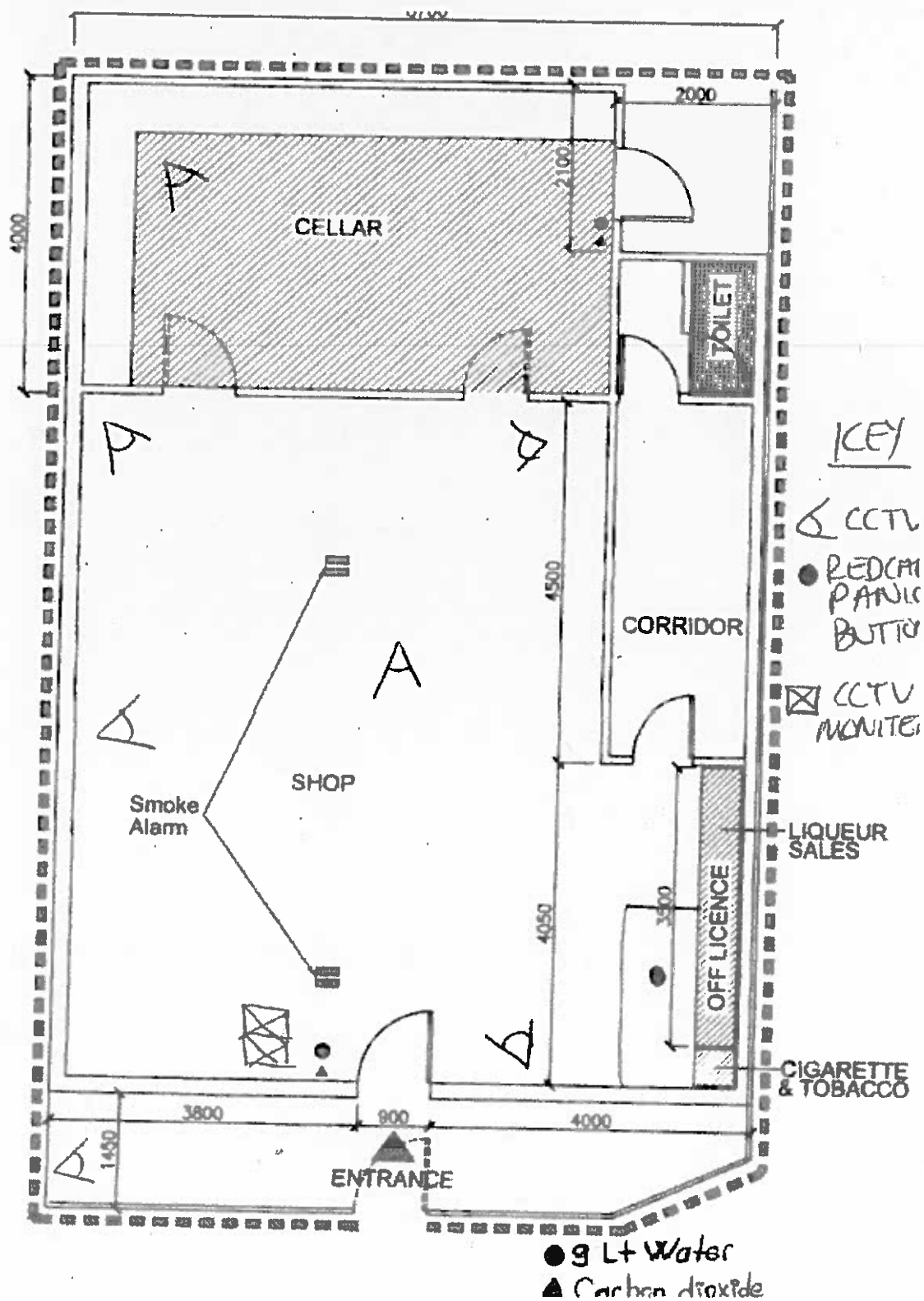
Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

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

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# Annex 4 - Plans





## Licensing Authority Representation

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## Anderson Chanel

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**From:** Barrett Daliah  
**Sent:** 24 June 2017 16:46  
**To:** Anderson Chanel  
**Subject:** FW: Representation in support of revocation YESIM SUPERMARKET 260 PHILIP LANE N15

Dear Trading Standards RA,

The Licensing Authority is very concerned that these premises have been found on three occasions with illicit and or smuggled duty unpaid alcohol/tobacco.

Section 144 of the Licensing Act 2003 makes specific reference to offenses related to smuggled goods in licensed premises. A person commits an offence if he knowingly keeps or allows to be kept, on any relevant premises any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

It has been well documented that the sale of contraband cigarettes and alcohol is a matter of considerable concern to the Government. In addition, some of the goods sold would not have been manufactured by responsible manufacturers but are fake products smuggled from Eastern European Countries and China on behalf of organised criminal gangs and could therefore contain potentially dangerous ingredients.

We are very concerned that the licence holders has also failed a test purchase and sold alcohol to an underage person. It is a basic requirement that due care and attention is taken when selling alcohol as it is an age restricted product. It is disconcerting that the licensing objectives of crime and disorder public safety and prevention of harm to children have both been breached by the management/practices at the premises. It is clear that if the premises are not visited periodically by the Authorities it is very likely that they would continue to sell illicit and or smuggled non duty paid goods to the local community as well as sell alcohol to underage persons.

The Licensing Authority's duty is to take steps with a view to promotion of the licensing objectives in the interests of the wider community and not those of the individual licence and therefore recommend that the premises licence is revoked on this occasion.

Regards

Licensing Team Leader  
On behalf of Licensing Authority



Haringey Council  
6th Floor, 10 Station Road, London, N22 7TR

T. 020 8489 8232

[www.haringey.gov.uk](http://www.haringey.gov.uk)  
[twitter@haringeycouncil](mailto:twitter@haringeycouncil)  
[facebook.com/haringeycouncil](https://www.facebook.com/haringeycouncil)

## Public Health Representation

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## Anderson Chanel

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**From:** Ukandu Monica  
**Sent:** 23 June 2017 16:37  
**To:** Licensing  
**Cc:** Millward Deborah; Stevenson Sam  
**Subject:** RE: Application for a Review of a Premises Licence: - Yesim Supermarket, 260 Philip Lane, Tottenham, London N15 4AD (WK/383986)

**Categories:** Purple Category

Dear Licensing

Ref: Yesim Supermarket  
260 Philip Lane  
Tottenham  
London  
N15 4AD

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003.

Public Health has specific concerns about the applicant's ability to uphold the 4 licensing objectives following seizures of illicit tobacco and illicit alcohol from the licensed premises under the control of the Premise License Holder and Designated Premises Supervisor Mr Ali Taze on 16<sup>th</sup> May 2017 (illicit tobacco), 11<sup>th</sup> December 2014 (underage sale), 19<sup>th</sup> November 2014 (illicit tobacco) and 15<sup>th</sup> October 2014 (illicit alcohol and illicit tobacco).

On a number of occasions over the last 3 years, the license holder has demonstrated a lack of commitment in upholding the licensing objectives, particularly relating to the prevention of **crime and disorder, public safety 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 premises is located on Philip Lane, a main road within a primarily residential area with a number of licensed businesses in the immediate local area. Between April 2016 and March 2017, there were 77 crimes reported on Phillip Lane, the highest out of the 73 roads that make up the Bruce Grove policing neighbourhood area. 13 of these crimes were for anti-social behaviour and 22 for violent and sexual offences.

The repeated sale of illicit tobacco and 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. In the 2016/17 financial year, there were 10 alcohol related ambulance callouts located within the LSOA (small geographical area), ranking it 19<sup>th</sup> out of the 144 LSOAs that make up the borough (*Police UK, 2017*).

### Public Safety

From a public safety perspective the findings are of significant concern. Legally produced and certified alcoholic drinks are made with ethanol – alcohol which is safe to drink in moderation. Counterfeit alcoholic drinks can be produced using cheaper types of alcohol which can have serious adverse health effects. 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. Drinking alcohol containing these chemicals can cause nausea and vomiting, abdominal pain, drowsiness and dizziness. This can also lead to kidney or liver problems and even coma. Methanol, the substance which has been found in fake vodka can cause permanent blindness.

## **Protecting Children from Harm**

There are 3 primary schools and 1 secondary school located within a 500m radius of the premises. Due to the number of schools in the area and Mr Taze's previous history of making an underage sale we have concerns over the safeguarding of children.

## **Recommendations**

As a result of the aforementioned public health are not confident in licensee's ability to promote the 4 licensing objectives. We therefore recommend that the committee considers revoking the license.

Should the committee not revoke the license we recommend that the Designated Premises Supervisor be removed from the license and we also 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.*

These conditions are designed to ensure that the licensee takes appropriate steps to promote and uphold the 4 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.

Kind Regards

**Monica Ukandu**

**Public Health Officer – Health Improvement**

**Appendix 2– Secretary of State's Guidance**

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## **Reviews arising in connection with crime**

- 11.24** 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, the sale of firearms, or the sexual exploitation of children. 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.
- 11.25** 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 attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26** 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 and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27** There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

**11.28** It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### **Review of a premises licence following closure order**

**11.29** Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

### **Review of a premises licence following persistent sales of alcohol to children**

**11.30** The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



**Appendix 3– Statement of Licensing Policy**

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**Objective 5** – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

19 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely:

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other.
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

20 How the Policy works

This Licensing Policy sets out the relevant information on how licence Applications will be determined and how licensed premises are expected to operate in Haringey, as well as explaining how licensing integrates with other related strategies for the borough. The aims of this Licensing Policy are to pursue and promote the Licensing Objectives

#### **Written and Spoken English**

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

21 This policy has five main aims:

- To help inform elected members on the licensing committee to make decisions on licensing matters.
- To set out, for the benefit of prospective applicants, responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decisions.
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area. Licensed premises suitable for the neighbourhood within which they are located and that support the neighbourhood.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

22 The policy supports a number of other key aims and these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators.
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises.
- Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. Section 3, Para 125 and following, will be particularly helpful for residents in this context.

### 23 Consultation for the Licensing Policy

In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this Licensing Policy:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) such persons as the licensing authority considers to be representative of holders of Premises Licences issued by that authority
- d) such persons as the licensing authority considers to be representative of
- e) Such persons as the licensing authority considers to be representative of holders of Licences issued by that authority
- f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area

### 24 What is covered by the policy:

The Licensing Act 2003 regulates the following activities

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of "regulated entertainment"
- The provision of "late night refreshment"

### 25 Definitions:

#### 'Regulated entertainment'

Subject to the conditions, definitions and exemptions set out in the Act, "regulated entertainments" includes:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- Boxing or wrestling entertainment.
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports").
- A performance of live music.

Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

**51 Duplication with other regulatory regimes**

In exercising its licensing functions, the licensing authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

**52 Section 2 Licensing Objectives**

**Promoting the Licensing Objectives in Haringey**

The licensing authority works in conjunction with partners (Responsible Authorities) such as Environmental Health, Trading Standards, Police, Planning Department, Anti Social Behaviour Team, Enforcement Response Team, National Health Service (NHS), Local Safeguarding Children Board (LSCB), Public Health Team and Fire Authority, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Haringey such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- multi-agency meetings
- The establishment of Public Spaces Protection Orders where, following a direction from a police officer or authorised officer, alcohol may not be consumed publicly.
- Pub watch schemes/ Best Bar None Schemes.
- Responsible Retailer Scheme
- Conducting training in responsible alcohol service and conflict management
- Alcohol Diversion Schemes.
- Attendance and participation in local and community meetings and workshops

**53 LICENSING HOURS**

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

**54 THE FIRST LICENSING OBJECTIVE THE PREVENTION OF CRIME AND DISORDER**



- between 0800 and 2000 hours.
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises.
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

82 Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indo362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Haringey Noise Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light - Institute of Lighting Engineers (2005)

83 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

#### 84 Preventing nuisance outside of premises

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.

Licencees 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.