

**Application for a New Premises Licence under the Licensing Act 2003 – for
Aydin Café at 471 Green Lanes, London N4 1AJ - 18th March 2024**

The Licensing Sub Committee carefully considered the application for a new premises licence for **Aydin Café at 471 Green Lanes, London N4 1AJ**. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objector's representations.

Having considered the application and heard from all the parties other than the objector, who did not attend but whose written objections were carefully considered, the Committee decided to **GRANT** the application **subject to conditions below**.

Hours open to the Public

Sunday to Wednesday	0700 to 2300 hours
Thursday to Saturday	0700 to 0000 hours

Sale of Alcohol

Sunday to Wednesday	1100 to 2300 hours
Thursday to Saturday	1100 to 0000 hours

Supply of alcohol **ON** and **OFF** the premises.

Late Night Refreshment

Thursday to Saturday	2300 to 0000 hours
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CONDITIONS

The prevention of crime and disorder

- 1) The Designated Premises Supervisor, a personal licence holder or trained member of staff nominated in writing by the Designated Premises Supervisor shall be on duty at all times the premises are open to the public.
- 2)
 - a) A CCTV system covering the interior & exterior of the premises shall be installed to current Metropolitan Police/Home Office standards and shall be kept operational at all times the premises are open to the public.
 - b) The CCTV system shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
 - c) All staff who may work front of house shall be trained to operate the CCTV system and download images.
 - d) At least one member of staff trained to operate the CCTV system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided on request to the police and/or authorised Council officer on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request

- 3) Challenge 25 shall be operated as the proof of age policy.
- 4) All staff who work at the till shall be trained for their role on induction and be given refresher training every six months. Written training records shall be kept for each staff member and be produced to police & authorized council officers on request. Training shall include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 5) An incident book shall be kept at the premises, and made available to the police or authorized council officers, which shall record the following:
 - a) All crimes reported,
 - b) Lost property,
 - c) All ejections of customers,
 - d) Any complaints received,
 - e) Any incidents of disorder,
 - f) Any seizure of drugs or offensive weapons,
 - g) Any faults in the CCTV,
 - h) Any refusal in the sale of alcohol.
 - i) Any visit by a relevant authority or emergency service
- 6) Notices shall be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 - a) That CCTV & Challenge 25 are in operation;
 - b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - c) Of the permitted hours for licensable activities & the opening times of the premises;
 - d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.
- 7) Any security staff employed at the premises shall be SIA-approved

Public Safety

- 8) A fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training and refresher training.

The prevention of public nuisance

- 9) The front of the premises shall be kept tidy at all times and be swept at close.
- 10) Relevant notices shall be prominently displayed by the entry/ exit door and point of sale (as appropriate)
- 11) No deliveries shall be received or rubbish removed from the premises between 22.00 & 07.00.
- 12) An incident book shall be kept at the premises and made available to the police or authorized council officers.
- 13) A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused

by the operation of the premises. Any complaints and the outcome shall be recorded in the incident book.

The protection of children from harm

- 14) Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving license, HM forces photographic ID card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 15) All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorized council officers on request – see condition 5) for full details.
- 16) Relevant notices shall be prominently displayed by the entry/ exit door and point of sale as appropriate – see condition 6) for full details.
- 17) All staff who work front of house shall be trained for their role on induction and be given refresher training every six months. Written training records shall be kept for each staff member and be produced to police & authorized council officers on request. Training shall include identifying persons Under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 18) All alcohol sold shall be ancillary to the operation of the premises as a Restaurant. Alcohol may only be supplied with a substantial food order.
- 19) All alcohol shall be displayed and kept and shall be sold from behind the counter and shall be dispensed by a member of staff only
- 20) The delivery of alcohol shall be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.
- 21) The delivery of alcohol shall not be made to a person in a public place such as a street corner, park or bus stop etc.
- 22) Customers shall be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
- 23) ID verification shall be made when orders containing alcohol are delivered (no ID no delivery) – acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure
- 24) All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.
- 25) Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.
- 26) While the premises are open for non-licensable activities customers shall not be allowed access to alcohol outside the licensed hours. This shall be prevented by the use of shutters/locked fridges.

Informative

The Licensing Sub Committee took the view on the current state of the evidence that no security staff would be required. The Licensee is encouraged to keep this under review and should note that in the event that security staff are required they should be SIA approved (see Condition 7))

Review of the premises licence under the Licensing Act 2003 for Station Supermarket (formerly Firat Supermarket) at 38 Bounds Green Road London N11

RESOLVED

The Committee carefully considered the application for a review of the premises licence, the representations of Trading Standards Responsible Authority and the licensee, the Council's Statement of Licensing Policy and the s182 Licensing Act 2003 Statutory Guidance.

The Committee resolved:

- (i) To suspend the Licence for a period of 5 weeks
- (ii) To impose the conditions recommended by Trading Standards at pages 14 and 15 of the agenda pack together with the further condition that:
 - a. Each of Mr Haydar Erdogan, Mr Irfan Erdogan, Mr Ali Sel and Mr Mohsin Ahmed:
 - i. shall be excluded from the premises at all times. For the avoidance of doubt, he shall not sell or supply for sale alcohol or any goods at the premises whether by himself or instructing others
 - ii. shall be excluded from the management and control of the premises either in their personal capacity or as company directors including registrations associated with the premises or its their controlling company for example, but without restriction, as registered operator of the food business carries on at the premises or as registered National Non-Domestic rates payer
- (iii) That as Mr Ali Sel is no longer Designated Premises Supervisor the recommendation that he be removed as such cannot be implemented

Reasons

The current licensee (from 13 December 2023) and Designated Premises Supervisor (DPS) (from 29 February 2024) is Mr Hurcem Merkan; whose immediate predecessor in both roles was Mr Ali Sel.

The business of the shop at the premises is carried on by Gordon Express Limited a UK limited company ("the company").

The background to the review application is set out at pages 12-13 and 41-46 of the agenda pack, from which, taken with the bundle of documents at pages 65-144 of that pack and Mr Merkan's statement (circulated as additional papers on 15 March 2023), the Committee derived the following relevant circumstances.

Mr Merkan contracted to buy the company and take a sublease of the premises from Mr Sel on 4 May 2023, with completion set for 1 November 2023.

Mr Merkan was registered as sole director of the company on 4 May 2023. On the same date he was registered as the sole person with significant control (PSC) over the company with ownership of 75%+ of shares and voting rights.

Mr Sel, however, remained licensee and DPS thereafter until the transfers noted above.

Mr Merkan states that he was abroad from 1 July 2023 until 26 October 2023, and took no part in the management of the premises, either as business or as licensed premises. That planned departure abroad was the reason for the delayed completion of the sale.

He states (para 18) that his “view was that the running of the shop was not my responsibility at the time” (that is, before November 2023).

Mr Merkan did not in his statement or by way of representation before the sub committee challenge the account of the incidents set out at pages 10-13 of the agenda pack. He says (para 4) that he cannot address the incidents because he “was not in control of the shop and did not take over the shop until 17th November”.

He says that Mr Sel told him about the incidents only following stocktaking on 17 November 2023.

On balance the Committee does not consider that this background reveals deliberate rotation of persons responsible for the licence as suggested by Trading Standards.

The Committee has had regard to the s182 guidance which recommends that where licensed premises are being used for criminal activity such the sale or storage of smuggled tobacco or alcohol it should treat this particularly seriously. The Committee sees smuggled and illegal vapes as in a similar category to smuggled tobacco. The Guidance also requires licensing authorities to take very seriously the illegal sale of alcohol to minors. Finally, sale of controlled medicines over the counter and other than in a pharmacy is itself a serious offence.

Each of the incidents on their own falls into a serious category and, had Mr Sel remained licence holder or DPS, the Committee would have had seriously to consider revocation of the premises licence.

The Committee however accepted that Mr Merkan was not aware of the incidents before 17 November 2023. It did not however consider that that absolves Mr Merkan from all responsibility. As sole director and PSC of the company controlling the business he is ultimately responsible for the conduct of that business. His relinquishment of that responsibility to Mr Sel and expressed view that he “was not in control of the shop” raises serious questions about his negligent approach to his statutory responsibilities as company director and PSC which it does not wish to be reflected in his approach as licensee and DPS.

The Committee therefore does not feel it is appropriate merely to impose additional conditions. It feels that a 5 week suspension is appropriate to allow time for the additional conditions imposed to be implemented and to bring home to Mr Merkan the seriousness of his responsibilities, to promote the licensing objectives of prevention of crime and disorder and protection of children and to deter future breaches of licensing law at the premises.

It recognises that this will have a financial impact on the business but notes that that where illicit vapes or alcohol are being sold, underage sales are taking place or indeed controlled medicines are being illegally dispensed, this poses a serious risk to the health of the wider community. The business is a supermarket and so could continue trading. The Committee concluded that the company's, and Mr Merkan's, financial interests were outweighed by the need to promote the licensing objectives by a short suspension while the business was put in order (in licensing terms).

At the hearing Mr Merkan by his representative offered to accept a condition excluding the named persons from involvement with the business, and the Committee agreed that that would give further assurance as to compliance with the law for the future, but does not consider that as outweighing the arguments for suspension.

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