

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	01/11/17	Classified		

Report of David Tolley Head of Environmental Health & Trading Standards	Title Licensing Act 2003 Application for Review under Section 53 A of the Licensing Act 2003 (Ali's Food and Wine), 497 - 499 Cambridge Heath Road, London E2 9BU
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected St. Peter's

1.0 Summary

Licence Holder **Mr Ali Yaz**

Name **Ali's Food and Wine**

Address of Premises: **497 – 499 Cambridge Heath Road**
London
E2 9BU

Review under Section 53A by a senior officer of the Metropolitan Police

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> Guidance Issued under Section 182 of the Licensing Act 2003 File 		Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 This is a full review following an interim hearing triggered by an application made by a senior officer of the Metropolitan Police under Section 53A of the Licensing Act 2003.
- 3.2 At the interim review hearing on the 6th October 2017 the Licensing sub-Committee *heard from the Licence Holder's representative that the licence holder was willing to add a condition to the licence which would prevent Mr Huseyin Yaz from entering the premises. Member noted that the Police had come to an agreement with the Premises Licence Holder that the Police would withdraw their review application on the undertaking that the Applicant would put in a minor variation to add the following condition; "Mr Huseyin Yaz should not be employed at the premises or be allowed to enter the premises."*

Members were satisfied that Mr Huseyin Yaz would not be permitted onto the premises and were prepared to accept the proposed agreement.

- 3.3 The decision for the interim review hearing is detailed in **Appendix 1**.
- 3.4 The minor variation application has been received and is enclosed as **Appendix 2**. The application is to add the following condition to the premises licence:
"Mr. Husseyin Yaz shall not be employed at the premises, be permitted to enter or allowed to remain on the premises".
- 3.5 The Police have accepted the condition of the minor variation and their response is contained in in **Appendix 3**.

4.0 Determinations

- 4.1 The Licensing sub-Committee is being asked to review the premises licence, which it must do within 28 days from receipt of the senior officer's documentation (received on the 4th October 2017).
- 4.2 The Licensing sub-Committee must consider what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.
- 4.3 The steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;

- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

4.4 Members may, of course conclude that no action is necessary.

5.0 Consultation

5.1 This review went through the normal procedure, that is notification to the responsible authorities and advertisement by a poster, but with a truncated response time. No further representations have been received at the time this report was finalised.

6.0 Legal Comments

6.1 A legal officer will advise Members at the hearing.

7.0 Financial Comments

7.1 There are no financial implications in this report.

8.0 Appendices

Appendix 1 The decision for the interim review

Appendix 2 Minor variation application

Appendix 3 Police response