

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY

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

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 Alan Cruickshank PC 189HT apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Bethnal Green Food Centre 438 Bethnal Green Road	
London	E2 0DJ

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

Mr Ali SAHIN

Number of premises licence or club premises certificate (if known)

17727

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) x
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Alan Cruickshank PC 189HT
Tower Hamlets Police Licensing Unit
Toby Club
Vawdrey Close
E1 4AU

Telephone number (if any) 0207 275 4911

Alan.Cruickshank@met.police.uk

BLANK

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

Please tick one or more boxes

1) the prevention of crime and disorder

x

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

This review has been instigated as the licensing objective of preventing crime and disorder has clearly failed to be maintained by the premises licence holder, the DPS and staff who are employed there.

Bethnal Green Food Centre has a premises licence that allows the sale of alcohol all week from 0600 - 0100.

The Licensing Unit received an intelligence report stating that Bethnal Green Food Centre was operating beyond their licensable hours.

On Saturday 26th July 2014 at about 0135 my licensing colleague PC O'Rourke was on duty in plain clothes, attended Bethnal Green Food Centre. He then purchased alcohol, namely two cans of Red Stripe lager, outside of their licensable hours. He then left the shop

Shortly afterwards, PC O'Rourke returned and introduced himself to the man who served him, Mr Ali SAHIN, producing his warrant card. He then spoke to Ali SHAHIN, the then Premises Licence Holder. There is currently an application to transfer the premises licence to his brother, Mr Etem SAHIN. At the time of writing I will be opposing this transfer.

PC O'Rourke completed Book 694 which informs the person which offences they have been reported for in relation to the Licensing Act 2003(see attached)

The offence was 136(1) : Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on (selling alcohol outside of his licensable hours)

PC O'Rourke then reported and cautioned him for this offence. Mr SAHIN replied "ok" Mr SAHIN then signed the F694, PC O'Rourke then handed Mr SAHIN the top copy. (please see attached statement)

The following incident occurred the following day.

On Saturday 26th July 2014 , Cam LIENG and Kathy DRIVER of LBTH Licensing Unit were on duty in casual clothing, along with my licensing colleague, PC 291HT O'Rourke. He was also in plain clothes and all three were conducting licensing visits.

At about 0120 on Sunday 27th July 2014, both Ms LIENG and DRIVER entered Bethnal Green Food Centre. LIENG picked a bottle of Peroni lager and DRIVER selected a bottle of SOL lager. They then handed over the money to Mr Ali SAHIN and asked him to open the bottles. He then opened them with a bottle opener. They then left the shop

Once outside they spoke with PC O'Rourke and informed him of what had occurred. All three returned and PC O'Rourke recognised Mr Ali SAHIN behind the counter. PC O'Rourke once again introduced himself, producing his warrant card. Mr SAHIN was shocked at seeing PC O'Rourke.

Once again Mr SAHIN had sold alcohol after its licensable hours of 0100. He also committed the offence of trading as an on licence, after opening the bottles for LIENG and DRIVER.

At the time there was no letter of authorisation for Mr SAHIN to sell alcohol on behalf of his brother Etem SAHIM.

LBTH Licensing at the time of writing are considering a prosecution over this matter.

Mr SAHIN informed PC O'Rourke that his home address was [REDACTED]

[REDACTED] N1 [REDACTED]

PC O'Rourke has conducted a "voter's check" on this address and no one is registered at this address.

Please see page 18 and 19 for a previous review of the Bethnal Green Food Centre. On three separate occasions they had "smuggled goods" on the premises. The duty avoided was £604.42

The DPS at the time was Mr Etem SAHIN, who is currently applying to be the premises licence holder. Any changes to the DPS or PLH involving the SAHIN brothers would I believe only be cosmetic and would do nothing to promote the licensing objectives.

In relation to Bethnal Green Food Centre itself, there was a serious incident on the 18th August 2013 (CAD 319/18Aug 13 refers)

At about 0029 the victim attended Bethnal Green Food Centre to buy some alcohol. The suspect, who was a member of staff (not known if he still works there), pushes the victim out of the shop. Once outside on the pavement, they have a conversation but the suspect then attacks the victim, punching him several times in the face, causing him to fall to the ground.

The victim initially walks away from the suspect but shortly returns to the shop where after more conversation, the suspect once again attacks the victim, causing him to fall to the floor. On getting up, the victim is once again punched and kicked to the floor.

Some other member of staff tries to intervene but the suspect drags the victim out into the street and again punches the victim. The victim realises that he has lost a tooth and throws it in the direction of the suspect.

On police arrival it was noted that victim was drunk. However, the suspect was arrested for ABH.

The incident was witnessed by an independent person who described the suspect's behaviour as over the top and not acting in self defence.

However the suspect in a prepared statement said the drunk victim was knocking things over in the shop and eventually attacked him and he acted out of self

defence.

The suspect was eventually charged with ABH and at a pre trial hearing changed his plea to guilty.

I also find it incredible that Mr Etem SAHIN has applied to vary his premises licence at a time when he has twice sold alcohol beyond his licensable hours.

He is applying from Sun - Thursday : 0800 - 0100
Fri - Sat : 0800 - 0200

Even without the prospect of a review we would be opposing this application as Bethnal Green Road can be very busy and this would only increase the likelihood of crime and disorder and public nuisance.

For an off licence to have breached its hours on one occasion could be unfortunate for a number of reasons. However both sales were made by the Premises Licence Holder who should be promoting all four licensing objectives and not breaching the crime and disorder objective in a manner that would indicate that he has no regard to ever maintaining them.

Police and responsible authorities do not have the time to constantly check on licensed premises to ensure that they are complying with their hours and conditions. Two sales in two days would indicate that the PLH and the DPS are happy to ignore their responsibilities in regards to the Licensing Act.

1. In light of the previous review (see page 18) the committee may wish to consider revoking the licence.

At the very least I would ask the committee to suspend the licence for a period of time to restructure the management of the off licence and :

2. Reduce the sale of alcohol hours : 0900 - 2300

3. The removal of non standard hours

4. I would ask that someone independent of Mr Ali SAHIN and Etem SAHIM is made DPS. Mr Etem SAHIN to be removed as DPS

5. Use of incident / refusals book

6. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed.

The system will be maintained and fully operational throughout the hours that the

premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

Alan Cruickshank PC 189HT

Have you made an application for review relating to this premises before

Please tick ? yes

x

If yes please state the date of that application

Day		Month		Year			
2	4	0	5	2	0	1	1

If you have made representations before relating to this premises please state what they were and when you made them

This premises was reviewed on the 19th July 2011 in relation to "smuggled goods" I submit below part of my review from the 24th May 2014.

On 17th February 2011 a joint operation was conducted at a number of off licences. Taking part in this multi-agency approach were H.M. Revenue and Customs, Trading Standards, Whitechapel Town Centre Team and Bethnal Green Police Licensing Unit.

There have been a large number of visits conducted throughout Tower Hamlets, with results ranging from the revocation of a licence, the suspension of a licence, a warning or finding that the off-licences were operating correctly.

At about 1721 we entered Bethnal Green Food Centre and identified ourselves to a Mr Erkan SAHIN and to the Premises Licence Holder / DPS, Mr Etem SAHIM., A search took place throughout the shop and "smuggled goods" were found inside the supermarket.

I produce a statement from Mr Philip Bush of HMRC, who is their Law Enforcement Coordinator, who now produces statements on behalf of the officers who attended the venues, which is then supplied to the police or other responsible authority.

In his statement he confirms HMRC seized spirits and wines on **three** different occasions from Bethnal Green Food Centre:

1. 17th February 2011 : 24.5 litres of mixed branded vodka
2. 24th February 2010 : 57.75 litres of mixed wine (HMRC only)
3. 18th November 2009 : 16.1 litres of mixed branded vodka.

As no invoices or receipts were provided, HMRC concluded that no duty was paid on these goods.

The total revenue due on the seized goods is **£604.42**.

I also produce a statement from Mr Alan Richards of LBTH Trading Standards who also attended Bethnal Green Food Centre on the 17th February 2011.

He seized the following:

1. Eight bottles of Raymond Vadim champagne
2. Four bottles of De Cancave champagne.

On making further investigations he found the De Cancave champagne was genuine. However, the Vadim alcohol was a well known fraudulently produced "champagne" and not entitled to claim its origin from the champagne region.

This is the third time goods have been found on the premise. It would seem that the Premises Licence holder has no intention in abiding by the licensing objective of preventing crime and disorder.

Government guidelines state that the selling of smuggled goods is deemed a serious offence and should be viewed as such by licensing committees.

I ask the Committee to revoke their licence.

Licensing committee decision.

That the review application for the premises license for **Bethnal Green Food Centre, 438 Bethnal Green Road, London E2 0DJ** be **GRANTED** with the suspension of the licence for sale of alcohol for a period of four weeks running from the receipt of the decision notice and with the following conditions;

Conditions

No alcoholic goods will ever be purchased from sellers calling to the shop.

Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.

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 practically after they have been purchased.

If any spirits brought by the company have UK Duty Stamps that do not fluoresce under the ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to trading standards department and HMRC as soon as possible.

Any alcohol and tobacco purchases will be kept in the stock room and will be checked by the premises license holder or DPS for compliance of conditions 2, 3, 4 and 5 stated.

[Empty rectangular box for application details]


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 Please tick yes X

I understand that if I do not comply with the above requirements my application will be rejected X

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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 
Date 16th August 2014
Capacity LICENSING OFFICER - METROPOLITAN POLICE
(TOWER HAMLETS BOUYS)

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
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)	

Notification of alleged offences under the Licensing Act 2003

Venue Name: Behnal Green Food Centre REF: (CAD/CRIS etc.)

Address: 438 Behnal Green Road
LONDON E2 0BS Date: 26/7/14 Time: 0149

Details of person in charge at the relevant time: M. ALI SAHIN

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:
 PC JAIN carried out a best purchase at 01:35hrs purchased
 2 cans of Red Stripe Lager

Issuing officer: [Redacted] Print: O'Rourke

I acknowledge receipt of this form: (venue) [Redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

Appendix 2


(Bethnal Green Food Centre)
438 Bethnal Green Road
London
E2 0DJ

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 11 June 2007

- Licence varied following the licensing sub-committee review hearing of 19th July 2011



Part A - Format of premises licence

Premises licence number

17727

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Bethnal Green Food Centre)
438 Bethnal Green Road

Post town
London

Post code
E2 0DJ

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Ali Sahin

[Redacted address and contact information]

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

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Etem Sahin

[Redacted address and contact information]

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

Issuing Authority: [Redacted]
Personal Licence Number: [Redacted]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where 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

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

4.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

- 1. There will be a minimum of 2 persons present at the premises from 21:00 hours every day
- 2. CCTV to be operational at all times
- 3. Any crime and disorder to be reported to the Police and CCTV footage made available
- 4. Proof of age policy of "No ID No Sale" to be enforced

Annex 3 - Conditions attached after a hearing by the licensing authority

Conditions attached following the licensing sub-committee review hearing of 19th July 2011

1. No alcoholic goods shall be purchased from sellers calling to the shop.
2. Invoices (or copies) for all alcoholic goods on the premises shall be kept at the shop and made available to officers from the council, police or HMRC upon request.
3. A stock control system shall be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
4. An ultra-violet light shall be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practically possible after they have been purchased.
5. If any spirits brought by the company have UK Duty Stamps that do not fluoresce under the ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to trading standards department and HMRC as soon as possible.
6. Any alcohol and tobacco purchases shall be kept in the stock room and shall be checked by the premises licence holder or Designated Premises Supervisor for compliance of conditions 2, 3, 4 and 5 stated above.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

17 April 2007

Part B - Premises licence summary

Premises licence number

17727

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Bethnal Green Food Centre)
438 Bethnal Green Road

Post town
London

Post code
E2 0DJ

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hours to 01:00 hours the following day

Non-standard timings

Bank Holidays, Christmas Eve, Christmas Day, Good Friday, Easter Monday and all other Public Holidays.

New Years Eve: from 06:00 hours to 03:00 hours the following day

Name, (registered) address of holder of premises licence

Mr Ali Sahin



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off sales only

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

N/a

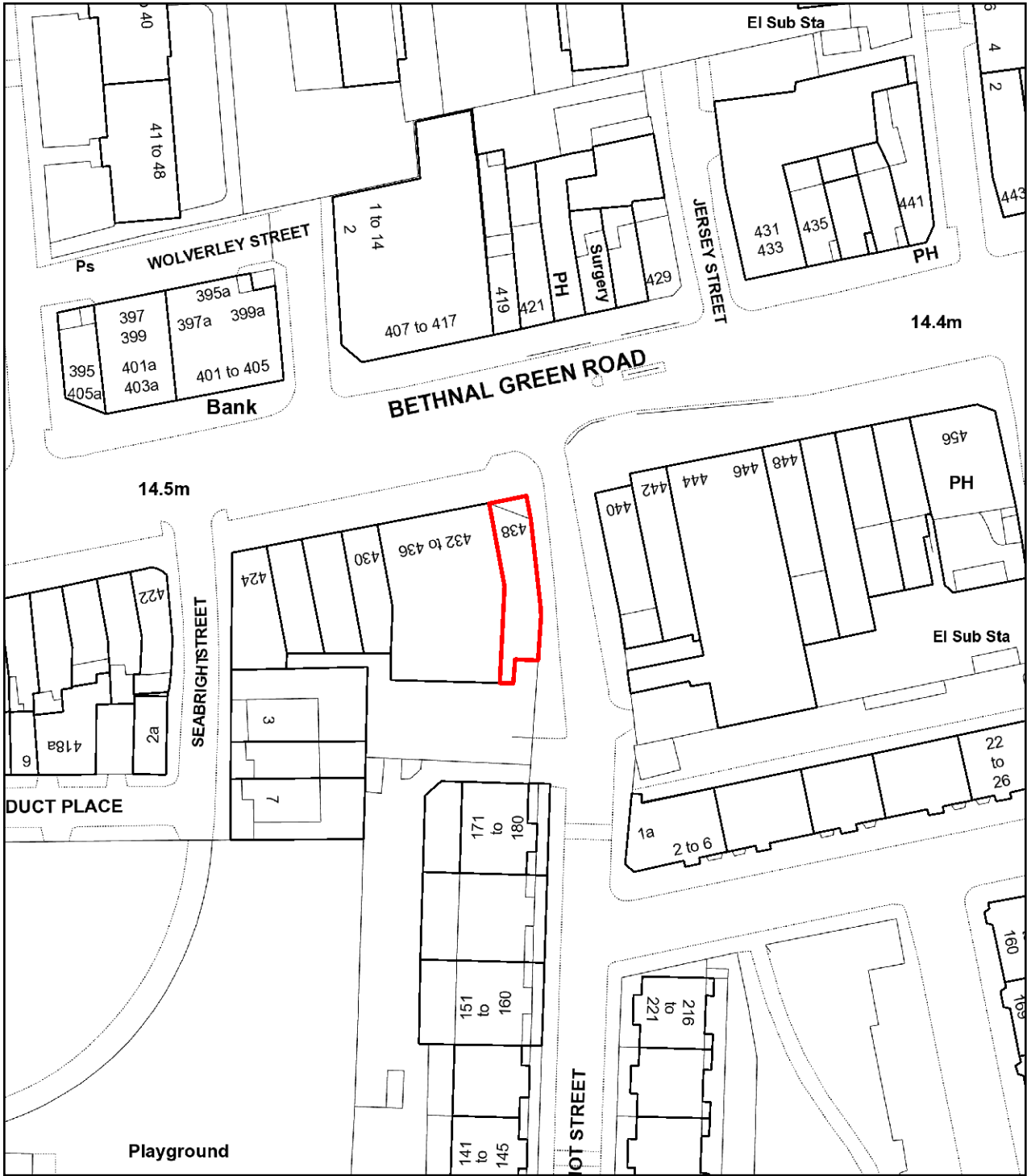
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Etem Sahin

State whether access to the premises by children is restricted or prohibited

No

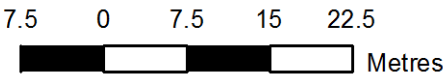
Appendix 3

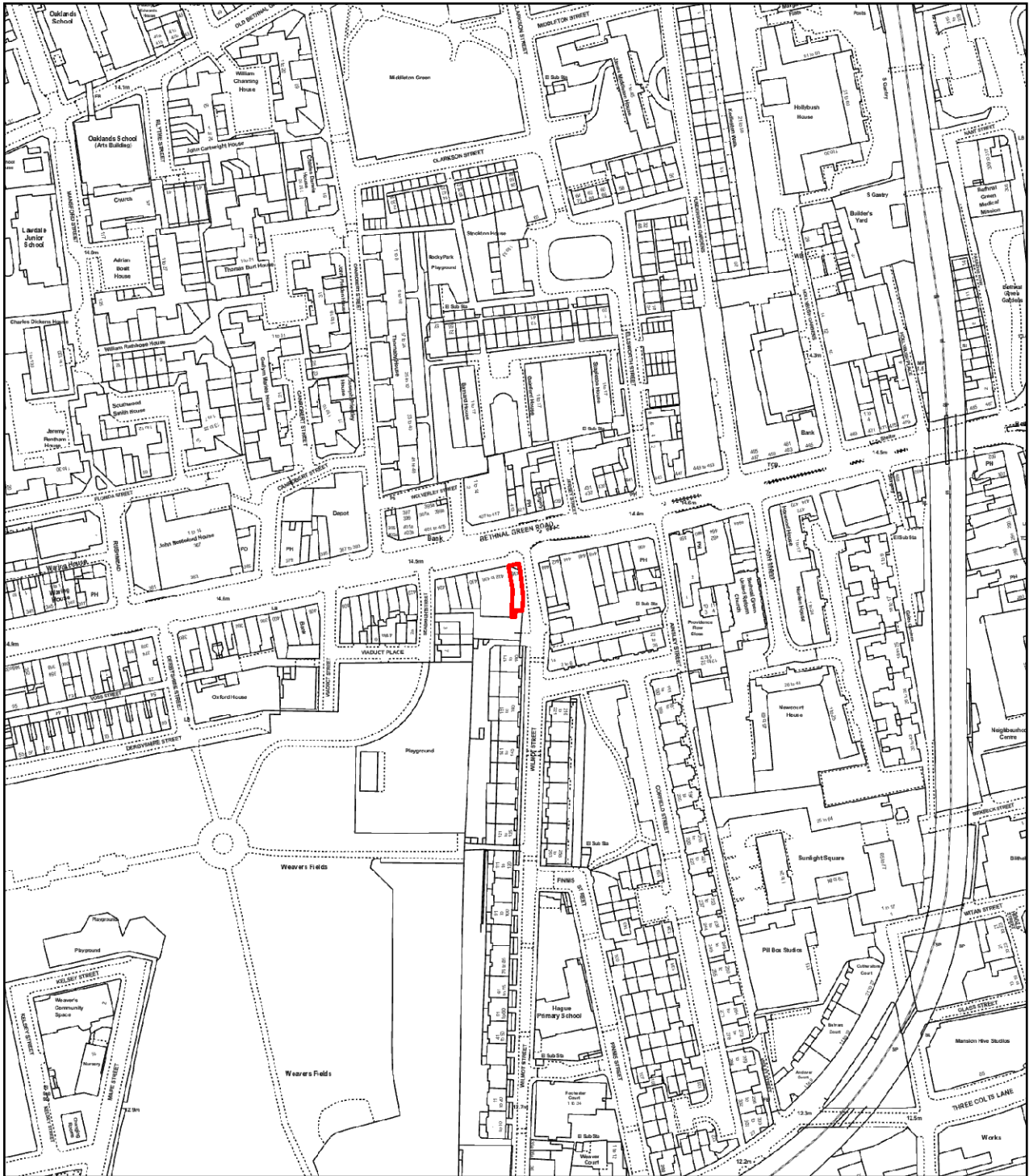


438 Mile End Road



Scale 1:836





438 Bethnal Green Road



Scale 1:2928

25 0 25 50 75



Metres



TOWER HAMLETS

Appendix 4



2009-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 7 previous
Beacon Awards



INVESTOR IN PEOPLE

Communities, Localities & Culture Safer Communities

Licensing Authority
6th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

11th September 2014

Your reference:
My reference CLC/LIC/77689/KD

Dear Sir/Madam,

Head of Consumer and Business Regulations
Service **David Tolley**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel **020 7364 5171**
Fax **020 7364 0863**
Enquiries to **Kathy Driver**

Email **Kathy.driver@towerhamlets.gov.uk**

Licensing Act 2003

Application for review of a premises licence: Bethnal Green Food Centre, 438
Bethnal Green Road, London E2 0DJ

The Licensing Authority as a Responsible Authority wishes to support the application for review made by the Metropolitan Police.

The premises licence for 438 Bethnal Green Road, London E2 0DJ has been in place since 11th June 2007, the licence was amended on 10th December 2008 when Mr. Etem Sahin became the licence holder and designated premises supervisor.

This licence was first reviewed on **24th May 2011** by the Metropolitan Police following a number of seizures for smuggled goods.

The review detailed that on 3 occasions on 18/11/2009; 24th February 2010 and 17th February 2011 smuggled goods were seized;
18/11/2009 - 16.1 litres of branded vodka
24/2/2010 – 57.75 litres of wine
17/2/2011 24.5 litres branded vodka and 8 bottles of champagne; were found to be counterfeit.

Following the review hearing on **19th July 2011**, the licence was suspended for 4 weeks and conditions added to the licence. (Conditions 1-6 Annexe 3 on current licence). The decision of the Members at the hearing:
Having heard representations from both the Metropolitan Police and from the Premise License Holder's representative, Members decided to SUSPEND the licence for a period of four weeks starting from receipt of the decision notice and accepted the conditions suggested on behalf of the Premises License Holder.

Both actions were in order to further the licensing objective of preventing crime and disorder.

Members noted that this was the third offence and could no longer accept the explanation that it had been the Premise License Holder's father that had purchased the stock. As for the first incident, it was noted that the amount of alcohol purchased during a week was approximately £2000 - £5000 and on that basis this Vodka would have been on the premises for almost 2 years which was not entirely credible. As for the second incident it was accepted that the purchase could have been a mistake by the Premise Licence Holder's father but once instruction had been issued to the father and the two brothers working at the shop this should not have happened again. Therefore suspension was necessary and proportionate. It was noted that 4 weeks was a relatively small amount and this was due to the Premises License Holder having taken steps to regularise and check purchases. Members did note the position on the champagne, however for the purpose of this decision, this was ignored

On **19th November 2012** A visit was made by Trading Standards whereby a further 14 bottles of counterfeit branded vodka was seized. On this occasion Trading Standards decided to prosecute.

On **7th November 2013** the defendant, Mr. Etem Sahin, pleaded guilty to offence under Section 92 (1) (b) and (6) Trade Marks Act 1994.

During the court case it was stressed the seriousness of selling counterfeit vodka, trades mark reputational considerations and how such offences could put the health of consumers at risk, including Mr. Sahin's previous antecedent history and the fact of him being known to Trading Standards.

The court ordered the defendant to pay:

- (i) A fine in the sum of £675;
- (ii) Costs of £2,273.19; and,
- (iii) A Victim Surcharge of £68.

In addition to the financial penalty, the Court ordered the suspension of Mr. Etem Sahin's personal licence for a period of 6 months (the maximum period).

On **26th November 2013** the licence was transferred to Ali Shahin.

On **8th December 2013** council officers were able to purchase a can of beer at 01:18 hours

On **5th July 2014** – Council Officers purchased one bottle of beer and one can of cider at 01:10 hours, outside the licensable hours. The sale was made by Etem Sahin.

On **26th July 2014** – the Metropolitan Police purchased 2 cans of beer at 01:35 hours. The sale made by Ali Sahin.

On **27th July 2014** – Licensing Officers purchased two bottles of beer at 01:22 hours, outside the licensable hour from Mr. Ali Sahin who also opened the bottles upon our request. I understand Mr. Ali Sahin is Mr. Etem Sahin's brother. The DPS was not present and there was no letter of authorisation.

On 31st July 2014 an application for a transfer has been made to revert back to Mr. Etem Sahin, the Metropolitan Police have objected to this. Also, on this date an application to vary the hours from:
Monday to Sunday, from 06:00 hours to 01:00 hours; to
Sunday to Thursday 08:00 hours to 01:00 hours and Friday and Saturday 08:00 to 02:00 hours. This Licensing Authority has made representation against the application.

Conclusion

This report clearly shows that the licence holder and DPS have no regard to the requirements of the Licensing Act 2003 and their obligations to meet the licensing objectives. Despite the licence being suspended for four weeks, Mr. Etem Sahin's suspension of personal licence for 6 months and fines for offences under Trade Marks, Mr. Etem Sahin or Mr. Ali Shahin continue to breach the law. It is clear that any conditions placed on the licence would be disregarded by this family business and would therefore ask Members seek to revoke the licence.

Yours faithfully,

[REDACTED]

Kathy Driver
Principal Licensing Officer
Licensing Authority Acting As a Responsible Authority

CC: Mr Ali Sahin, [REDACTED]
Mr Etem Sahin, [REDACTED]

Appendix 5

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other

authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to

give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that 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.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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, or the sale of firearms. 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 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 Class A drugs 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police 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. 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;
- 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 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether 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 outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

Appendix 6

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Crime and Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Appendix 7

Licensing Policy Adopted by the London Borough of Tower Hamlets

6 Crime and Disorder

6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.

6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)

2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.

6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them

Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.

6.11 Illicit Goods: Alcohol and Tobacco - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled

6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.

6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

I. Seller's name and address

II. Seller's company details, if applicable

III. Seller's VAT details, if applicable

IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.