



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17th May 2012	33	Barnsbury

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
RE: ODESSE FOOD AND WINE, 59 COPENHAGEN STREET, LONDON, N1 0JH.

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to:
 - i) Allow the supply of alcohol, off sales only, Mondays to Sundays from 08:00 until 23:00.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 If the Committee grants the application it should be subject to:
 - i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 3);
 - ii. conditions recommended by responsible Authorities (see appendix 3);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
Appendix 2: representations;
Appendix 3 suggested conditions and map of premise location.

3.2 The Licensing Authority has received 3 letters of representation from Responsible Authorities. The Police and Health & Safety have agreed conditions with the applicant whilst the Trading Standards representation remains outstanding.

3.3 Licence history at the premises:

- Premises licence granted on 12th November 2005;
- In January 2007 the premises licence was transferred from Mr Ozgur Yilmaz to Mr Hayri Kale. A subsequent variation of the licence was also granted to change the designated premises supervisor from Ozgur Yilmaz to Hayri Kale;
- 28th July 2007, licensing officer panel meeting arranged as a consequence of a sale of alcohol to an under age person during a test purchase exercise. Licensee did not attend;
- 19th March 2008, premises licence suspended for a period of 7 days after a Licensing Sub-Committee meeting to determine the review application sought by Islington Council's Trading Standards team. The review application was as a consequence of two sales of alcohol to under age persons during test purchase exercises;
- 12th October 2011, seizure of illicit alcohol from the premises after officers from HMRC and Trading Standards carry out a joint inspection;
- 23rd January 2012, second premises licence review application submitted by Islington Council Trading Standards team;
- 8th March 2012, premises licence revoked after the Licensing Sub-Committee meeting to determine the review application;
- 3rd April 2012, appeal lodged at Highbury Corner Magistrates Court in response to the premises licence revocation. The appeal is on-going.

4. Planning Implications

4.1 No planning implications.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

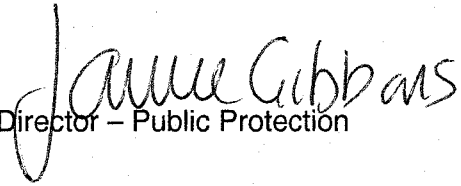
Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by

Service Director – Public Protection



Date

3/5/12

Received by

Head of Scrutiny and Democratic Services

Date

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E-mail: dan.whitton@islington.gov.uk

**Application for a premises licence to be granted
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/We **BULENT KALE**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description ODDESSE FOOD & WINE, 59 COPENHAGEN STREET,			
Post town	LONDON	Post code	N1 0JH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5700

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

ISLINGTON COUNCIL LICENSING	
Date	23/3
Fee Paid	£190
Application No	000632
	53606
	ANON

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname KALE			First names BULENT		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		19 MONROE CRESCENT			
Post Town	ENFIELD		Postcode	EN1 4HT	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year							
1	9	0	4	2	0	1	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year							
1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note1)
The premises is a tradition shop consisting of a ground floor, located on a major road.

Please refer to the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Wed				
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri				
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) The premises shall be open for non-licensable activities without limit. (24 Hour)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name BULENT KALE	
Address 19 MONROE CRESCENT ENFIELD	
Postcode	EN1 4HT
Personal Licence number (if known) LN/200700102	
Issuing licensing authority (if known) ENFIELD COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None.

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4) The premises shall be open for non-licensable activities without limit.</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. Toilets shall be checked an average of two hourly while the premises are open to the public to deter the use of drugs. Details of checks shall be documented and made available to Police on request.

The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment must have a suitable export method, e. G. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 21 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

The Challenge 21 logo and posters will be displayed at the premises.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

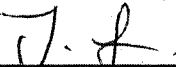
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	22 nd March 2012
Capacity	Agent for the Applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Jun Simon
 ADA GROUP
 167 STOKE NEWINGTON ROAD

Post town	LONDON	Post code	N16 8BP
------------------	--------	------------------	---------

Telephone number (if any)	0207 193 8393
----------------------------------	---------------

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

Consent of individual to being specified as premises supervisor

BULENT KALE

[full name of prospective premises supervisor]

of

19 MONROE CRESCENT
ENFIELD
EN1 4HT

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

APPLICATION FOR NEW PREMISES LICENCE

[type of application]

by

BULENT KALE

[name of applicant]

relating to a premises licence

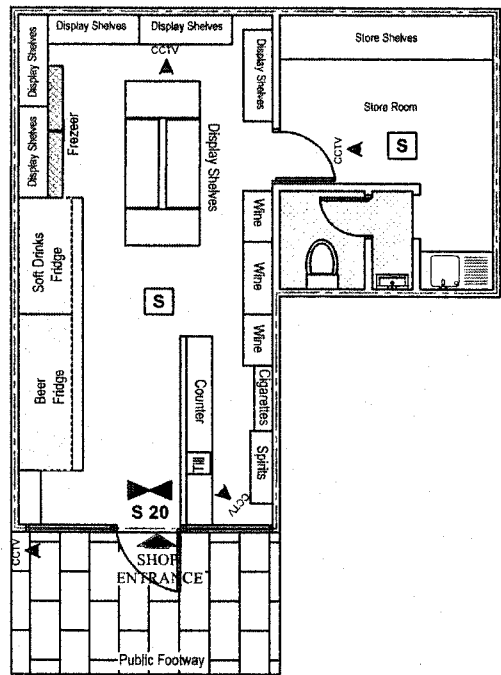
N/A

[number of existing licence, if any]











for

ODDESSE FOOD & WINE
59 COPENHAGEN STREET
LONDON
N1 0JH

[name and address of premises to which the application relates]



LEGEND

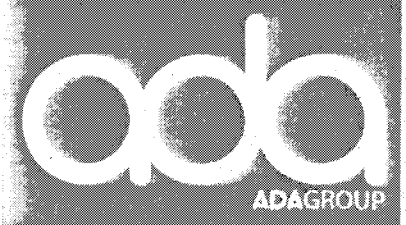
-  FREEZER
-  FRIDGES
-  WC AREA
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV
-  S 20 FIRE ESCAPE KEEP CLEAR
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN
-  FIRE EXTINGUISHER

**ODESSE
FOOD & WINE** 59 Copenhagen Rd,
Islington,
London,
N1 0JH

FLOOR PLAN

REF: VC-12-14

SCALE : 1/100@A4 DATE :20/03/2012



and any premises licence to be granted or varied in respect of this application made by

BULENT KALE

[name of applicant]

concerning the supply of alcohol at

ODDESSE FOOD & WINE
59 COPENHAGEN STREET
LONDON
N1 0JH

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN/200700102

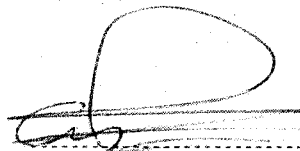
[insert personal licence number, if any]

Personal licence issuing authority

ENFIELD COUNCIL
LICENSING TEAM
ENFIELD
EN1 3XH

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

BULENT KALE

Date

21/03/2012

Proposed Conditions

- No alcoholic goods will ever be purchased from sellers calling to the shop.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- No spirits in re-sealed cases will be purchased.
- 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 practical after they have been purchased.
- If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
- The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- 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 by the licensing team, police or trading standards.
- Hayri Kale, the previous premises licensee, will have no role in the new business trading at these premises.
- A digital CCTV system shall be installed, operated and maintained inside and outside the premises [subject to planning permission] in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to a Police Officer within 24 hours of any request to assist in the investigation of a crime or apprehending or prosecuting an offender. It is the responsibility of the premise to download any recording requests.
- Incident Book to be maintained and checked and signed weekly by DPS.



Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 20/04/12

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Odessa Food & Wine, 59 Copenhagen Street, N1 0JH

I have examined the application for a licence for the above premises on behalf of the Trading Standards Section and I have also met with the applicant, Bulent Kale. It appears the applicant was in the process of buying the business from Hayri Kale at the time the business came to Trading Standards' attention when illicit alcohol was seized in October 2011 and that this sale was completed before the review was heard. Bulent Kale says that he knows Hayri Kale, but he is not directly related. He also stated that he had worked as an employee at the business in 2004 and 2005. I wish to make the following representations.

1. Enforcement action

- 1.1 A joint visit by Trading Standards and HMRC in October 2011 resulted in Trading Standards applying to have the licence reviewed and on 08 March 2012 the Licensing Committee decided to revoke the licence, a decision which Trading Standards felt was correct. The Committee said that they were deeply concerned about the management of the business, in particular regarding the lack of engagement with Trading Standards, the fact that they had apparently taken illicit alcohol from a shop closing down, and the fact that the only employee in the shop at the time of the seizure falsely stated he was Bulent Kale. They also referred to a previous review that resulted in a two-week suspension of the licence for sales to underage volunteers working with Trading Standards.
- 1.2 The business is currently selling alcohol as an appeal against the decision to revoke the licence has been lodged.

2. Trading Standards' concerns

- 2.1. The applicant is known to Hayri Kale, the current licensee, which should not prevent Bulent Kale from being granted a licence, but does make it very important that he is able to show the Committee that the standard of management has improved since he purchased the business. I note that Hayri Kale still appears to be working at the business as I saw him behind the counter after Bulent had confirmed he now owned the business.
- 2.2. In light of the amount of illicit alcohol Trading Standards have found across the borough over the last 18 months, it is vital that new licensees are aware of the issue, how to ensure that they do not stock illicit alcohol and are prepared to actively promote the licensing objective by taking reasonable steps to deter sellers of illicit alcohol.

2.3. Mr Kale has previously been involved in a licensed business in Edmonton. Enquiries will be made with Enfield Council to see whether the management of this business caused any concern and a verbal report will be made to Committee if necessary.

3. Proposed steps to prevent crime and disorder and to promote the protection of children from harm

3.1. The application proposes that the 'standard' Trading Standards conditions are included on the licence and well as others relating to Hayri Kale, CCTV and an incident book. It has been confirmed that the reference in the operating schedule to Challenge 21 should now be read as Challenge 25 to be consistent with the proposed conditions.

3.2. It is noted that the Trading Standards conditions proposed are slightly out of date – the wording on the ninth proposed condition has been updated and now reads:

- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.

I would welcome confirmation that this amended condition is acceptable to Mr Kale.

4. Conclusion

4.1 I am broadly satisfied with the proposed conditions and attitude that Mr Kale has exhibited so far. However, I believe that the Committee should have the opportunity to assess for themselves whether the likelihood of improvement in the management of the business is sufficient to grant this licence, so I believe that the application should be heard by them.

I believe these representations are specific and proportionate to the known trading characteristics of this retail sector and are consistent with the Islington Council Statement of Licensing Policies 32 and 39.

Doug Love
Principal Consumer Services Officer

Suggested conditions of approval consistent with the operating schedule

1. Mr Hayri Kale, the previous premises licensee, will have no role in the new business trading at these premises.
2. The licensee shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises.
3. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
4. A digital CCTV system shall be installed, operated and maintained inside and outside the premises (subject to planning permission) in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to a Police Officer within 24 hours of any request to assist in the investigation of a crime or apprehending or prosecuting an offender. It is the responsibility of the premises to download any recording requests.
5. All customers will be asked to leave quietly.
6. Clear and legible notices will be prominently displayed to remind customers to leave quietly and regard to our neighbours.
7. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
8. No spirits shall be purchased in a resealed box.
9. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
10. 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.
11. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
12. 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.
13. 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 Islington Trading Standards and HMRC as soon as possible.
14. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
15. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.
16. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age: that is proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
17. 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 licensing team, police or trading standards.

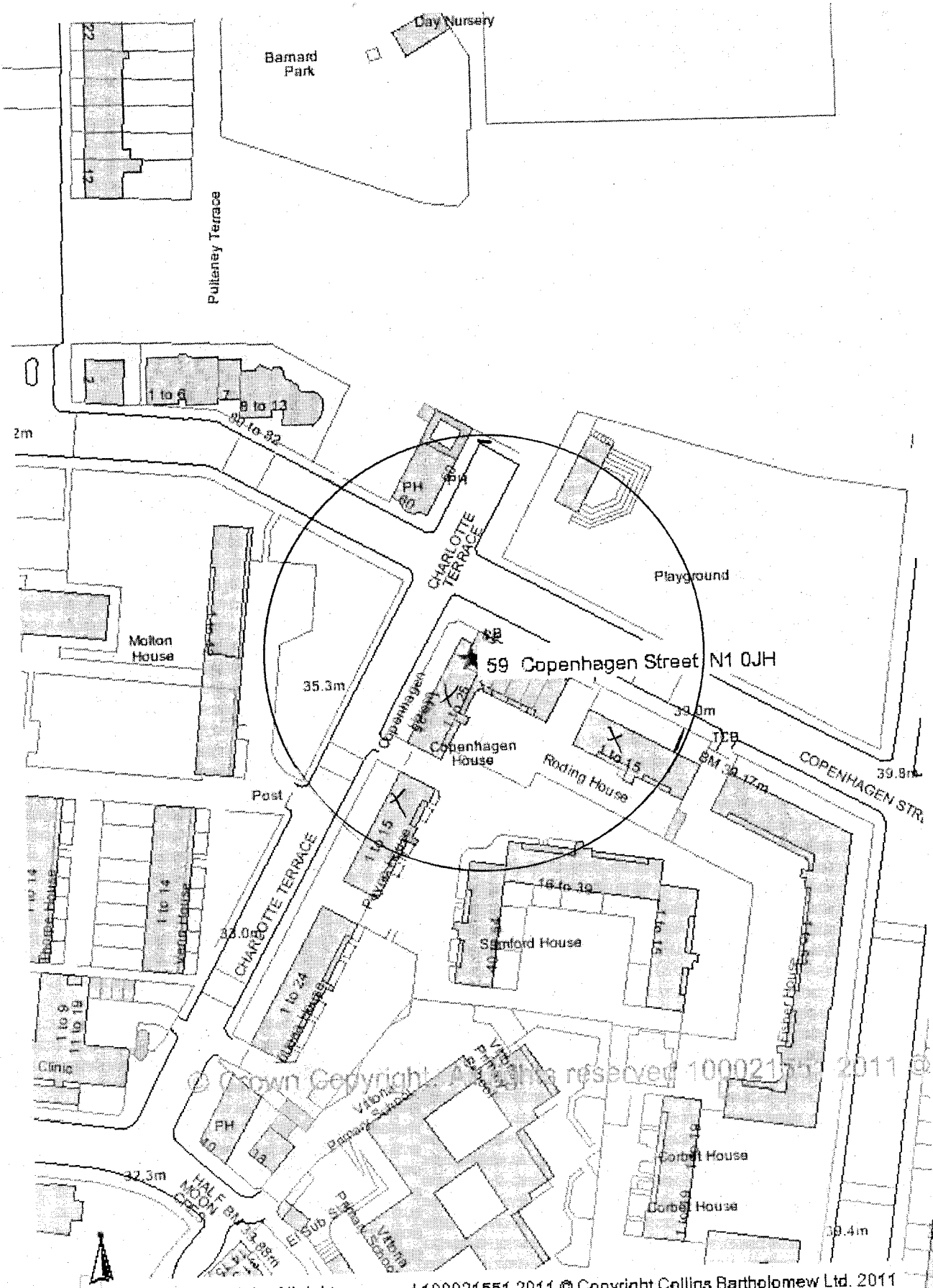
Suggested conditions agreed with Council's Health and Safety Officer

20. The premises shall not be used under the licence until the requirements specified in the schedule dated 11 April 2012 have been completed and approved in writing by the responsible authority for health and public safety.

Suggested conditions agreed with the Police

21. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by either customers or staff.
22. This premises licence will not be used as an authorisation for licensable activities until premises licence number 113005/2727 has been surrendered and is incapable of resurrection.

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