



London Borough of Hackney – Decisions taken by the Licensing Sub Committee B on Wednesday, 17 June 2020

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

6	Review of the Premises License - Topaloglu Food and Wine, 478 Kinglands Road, E8 4AE	<p><b><u>The decision of 17<sup>th</sup> June 2020</u></b></p> <p>The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:</p> <ul style="list-style-type: none"><li>• The prevention of crime and disorder</li><li>• Public safety</li><li>• Prevention of public nuisance</li><li>• The protection of children from harm,</li></ul> <p>and in particular the prevention of crime and disorder and public safety, made the following determination:</p> <ol style="list-style-type: none"><li><b>1. To modify the conditions of the licence with the conditions proposed by Environmental Enforcement set out in the report.</b></li><li><b>2. Additional conditions to be applied to the licence:</b><ul style="list-style-type: none"><li>• CCTV covering the interior and exterior of the shop premises must be installed and be kept operational at all times the premises are open to the public.</li></ul></li></ol>
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		<ul style="list-style-type: none"> <li>• The CCTV system shall be capable of taking a head and shoulders shot of persons entering the premises.</li> <li>• The CCTV system will be capable of storing images for a minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images will be provided to the Metropolitan Police or Authorised Officers on request.</li> <li>• Challenge 25 will be in operation at the premises as the proof of age policy. Only the following credible photographic evidence may be accepted as proof of age: a passport, photographic driving licence, UK Armed Forces ID card or a proof of age card with the PASS hologram/ logo on it. Refusals of the sale of alcohol must be recorded in the relevant section of the Incident Book.</li> <li>• Relevant notices will be prominently displayed by the entry/exit door and counter as appropriate advising customers that:             <ul style="list-style-type: none"> <li>• CCTV and Challenge 25 are in operation;</li> <li>• Advising customers of the provisions of the Licensing Act regarding underage and proxy sales;</li> <li>• Asking customers to respect nearby residents, to leave quietly, not to drink outside the shop or in the street and not loiter outside the shop.</li> </ul> </li> <li>• No alcohol may be consumed in the shop at any time.</li> <li>• Alcohol will not be supplied in an open container.</li> </ul>

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		<ul style="list-style-type: none"> <li>• An incident book is to be kept at the premises and made available to the Police or Authorised Officers which will record the following               <ul style="list-style-type: none"> <li>a) All crimes reported;</li> <li>b) Lost property;</li> <li>c) All ejections of customers;</li> <li>d) Any complaints received;</li> <li>e) Any incidents of disorder;</li> <li>f) Any seizure of drugs or offensive weapons;</li> <li>g) Any faults in the CCTV system;</li> <li>h) Any refusal in the sale of alcohol;</li> <li>i) Any visit by a relevant authority or emergency service;</li> <li>j) A CAD number where Police are called;</li> </ul> </li>   <li>• Staff will be trained on induction and be given refresher training at 6 monthly intervals in the operation of Challenge 25. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, not serving intoxicated persons, avoiding conflict, responsible alcohol retailing, operating the CCTV system and downloading images and safeguarding children.</li>   <li>• A written training record will be kept for each staff member and will be made available to the Police and Authorised Officers on request.</li>   <li>• Management and staff will monitor the outside of the shop to check that persons are not loitering or drinking outside and will politely ask any that do to leave the area quickly and quietly.</li> </ul>

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		<p><b>3. To remove the Designated Premises Supervisor</b> The current Designated Premises Supervisor (DPS) is to be removed and a new DPS to be appointed after liaising with the Police and the Licensing Authority.</p> <p><b>4. To suspend the licence for a period of up to 3 months or until a new independent Designated Premises Supervisor has been appointed (whichever is the earliest), and all the staff at the premise have been trained on the licensing objectives to the satisfaction of the Licensing Authority. The nature of the training to be agreed with the Licensing Authority.</b></p> <p><b>The Reasons for the Decision:</b></p> <p>The Licensing Sub-Committee felt, after carefully considering the application from the Metropolitan Police and their additional information along with the Licensee’s representations, representations from the Licensee’s representative, and the supporting evidence, decided that the appropriate and necessary course of action given the seriousness of the incident forming the basis of the Police’s application was to modify the conditions of the licence, remove the existing Designated Premises Supervisor (DPS), and suspend the premises licence for a period of up to 3 months or until a new independent Designated Premises Supervisor has been appointed (whichever occurs earliest), and all the staff have been trained on the licensing objectives to the satisfaction of the Licensing Authority. The nature of the training is to be agreed with the Licensing Authority.</p> <p>The Sub-Committee considered the behaviour and lack of control of the Designated Premises Supervisor was unacceptable and had very serious concerns about the ability of the licence holder to uphold the licensing objectives particularly ensuring public safety while the DPS remained in post. The Sub-Committee felt that the removal of the DPS was appropriate in this</p>

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		<p>case to prevent such an incident re-occurring. They took into consideration that, while the DPS was supervising the premises, he allowed offensive weapons to be stored on the premises, and failed to prevent his staff from being involved in the incident described to the Sub-Committee by the Police, which undermined the licensing objectives.</p> <p>The Sub-Committee heard in evidence that offensive weapons were found on the premises with the intention to harm, which is unlawful in itself.</p> <p>The Sub-Committee considered that there was significant evidence that the licence holder/DPS and his staff were involved in the incident.</p> <p>It was noted that the DPS was of previous good character, and no incidents related to the premises had been reported in the past. However, the seriousness of this incident and the fact that the DPS appeared to take the law into his own hands (which is unlawful and cannot be condoned) justify the removal of the DPS.</p> <p>The Sub-Committee recognise there was provocation preceding the incident, however, the DPS has a duty to uphold the law and the four licensing objectives at all times, and to lead by example to the staff on the premises. The DPS should have reported any previous incidents and difficulties the premises were experiencing to the Metropolitan Police to investigate, rather than taking matters into his own hands, which is not acceptable at any time. This showed poor judgement on the part of the DPS.</p> <p>The Sub-Committee felt that with good and well-designed training for all staff, the premises would be run in a manner that complied with the conditions of the licence, upholding the licensing objectives in the future.</p> <p>The evidence presented by the Metropolitan Police as to this serious incident, together with the</p>

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		<p>breaches of the conditions of the licence, caused the Sub-Committee to have no confidence that the current management of the premises (who is also the DPS) is capable of upholding or promoting the licensing objectives.</p> <p>The Sub-Committee, when making their decision, took into consideration the fact that the Metropolitan Police was seeking revocation of the premises licence due to the seriousness of the incident. However, on balance the Sub-Committee felt there was insufficient evidence to revoke the licence on this occasion and, therefore, the Sub-Committee considered the other options available to them. The Sub-Committee felt that replacing the DPS with someone who would and could effectively manage the premises, should result in an improved management, and running of the premises in the future. By also suspending the licence for sufficient time to allow staff to be retrained in their legal obligations to support the licensing objectives, the Sub-Committee felt such failings should be remedied. This will also improve the operation of the premises to ensure that all staff are fully and regularly trained, and compliance with the additional and modified conditions on the licence.</p>
7	Temporary Event Notices - Standing Item	7.1 There were no temporary events notices
A1		
A2		