

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 20/05/2020	Classification For decision	Enclosure
APPLICATION FOR REVIEW: INTERIM STEPS PENDING FULL REVIEW Topaloglu Food and Wine, 478 Kingsland Road, E8 4AE	Ward(s) affected London Fields	

1. SUMMARY

- 1.1 To consider whether it is necessary to take interim steps to address problems of serious crime and/or disorder at the premises known as Topaloglu Food and Wine , 478 Kingsland Road, E8 4AE pending a full review of the licence.

2. BACKGROUND

- 2.1 The Metropolitan Police have applied for an expedited review of the premises licence for Topaloglu Food and Wine, 478 Kingsland Road, E8 4AE under the provisions of Section 53A of the Licensing Act 2003. This provides a mechanism for interim steps to be taken to address immediate problems with a premises, in particular the likelihood of serious crime and/or serious disorder, pending a decision on the full review application.
- 2.2 The review application and associated certificate are attached at Appendix A. The Metropolitan Police are seeking revocation of the licence with suspension of the licence as an interim measure.
- 2.3 The premises licence holder will have the opportunity to make representations against any interim steps taken by the licensing authority. There is no time limit for the licence holder to make representations but if representations are made the licensing authority must hold a hearing within 48 hours of receipt.
- 2.4 The full review hearing must be held by **15 June 2020**.

3. CURRENT POSITION/ HISTORY

- 3.1 Topaloglu Food and Wine has been in possession of a premises licence prior to the introduction of the Licensing Act 2003. The licence was transferred to Sherkhan Ltd in November 2018. The Designated

Premises Supervisor is Sajjad Popal.

3.2 The current premises licence is attached as Appendix B

4. HUMAN RIGHTS ACT 1998 IMPLICATIONS

4.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

5. LEGAL COMMENTS

5.1 In considering whether to take any interim steps regard should be had to the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

5.2 In deciding when a decision to take interim steps should take effect, the practical implications of a premises' complying with such steps is a factor.

5.3 Very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises - in some circumstances, it might be better to seek suspension of the licence pending full review rather than imposing a range of costly conditions or permanent adjustments.

5. MEMBERS DECISION MAKING

5.1 The options available at this interim stage are:

Option 1

Modify the conditions of the premises licence

Option 2

The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence.

Option 3

Remove the designated premises supervisor from the licence

Option 4

Suspension of the licence

13. CONCLUSION

13.1 That Members decide on any steps to be taken pending the full review of the licence.

**Acting Group Director,
Neighbourhoods and Housing**

Ajman Ali

Lead Officer (holder of original

Mike Smith

copy):

Principal Licensing Officer
Licensing Service
1 Hillman Street
London E8 1DY
Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

<u>Description of document</u>	<u>Location</u>
Office File: Topaloglu Food and Wine, 478 Kingsland Road, E8 4AE	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

**METROPOLITAN
POLICE****TOTAL POLICING****Form for Applying for a Summary Licence Review****Application for the review of a premises licence under section 53A of the Licensing Act 2003**
(premises associated with serious crime, serious disorder or both)**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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name: Metropolitan Police Service

Address:

Stoke Newington Police Station, 33 Stoke Newington High Street, Hackney

Post town: London

Post code: N16 8DS

Ref. No.:

I **PC Neal HUNWICK**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

478 Kingsland Road, Hackney

Post town: London

Post code: E8 4AE
(if known)

2. Premises licence details

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

Sherkhan Ltd

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

LBH-PRE-T-0035

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

At about 1830hrs on Tuesday 12th May 2020 it is alleged that the DPS and Licence Holder together with 4 members of his staff did assault a passer by outside the venue by using baseball bats and during this assault allegedly stamped on the victim.

Signature of applicant

Signature:		Date:	18 th MAY 2020
Capacity:	Police Constable - Licensing Unit		

Contact details for matters concerning this application

Surname:	HUNWICK	First Names:	Neal
Address:	Licensing Unit, Stoke Newington Police Station, 33 Stoke Newington High Street		
Post town:	London	Post code:	N16 8DS
Tel. No.:	0207 275 3140	Email:	HackneyLicensingUnit-GN@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**METROPOLITAN
POLICE**

TOTAL POLICING

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
both serious crime and serious disorder**

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
478 Kingsland Road, Hackney

Post town: London **Post code:** (if known) E8 4AE

Premises licence number (if known):
LBH-PRE-T-0035

Name of premises supervisor (if known):
Sajjad POPAL

I am a Chief Superintendant* in the Metropolitan Police Service.


*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

One of the suspects is the DPS and Sole Director of the Company holding the Licence and as such no other measures are available in order to protect the Public.

Signature

Signature:  **Date:** 18th / 2020

APPENDIX B



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0035

Part 1 – Premises details

Topaloglu Food and Wine
478 Kingsland Road
Hackney
London
E8 4AE

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol Standard Hours:

Mon 00:00-23:59

Premises:

Tue 00:00-23:59

Wed 00:00-23:59

Thu 00:00-23:59

Fri 00:00-23:59

Sat 00:00-23:59

Sun 00:00-23:59

The opening hours of the premises

Standard Hours:

Mon 00:00-23:59

Tue 00:00-23:59

Wed 00:00-23:59

Thu 00:00-23:59

Fri 00:00-23:59

Sat 00:00-23:59

Sun 00:00-23:59

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

Off Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Sherkhan Limited
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 authorises the supply of alcohol

Sajjad Popal

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

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
 - 3.2. The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - 3.3. 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 either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.Minimum Drinks Pricing
4.
 - 4.1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 4.2. For the purposes of the condition set out in paragraph 4.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

5. CCTV Cameras shall be in operation at all hours the premises are Open.
6. The 'Red Care' Alarm System, providing direct connection to the police station, shall be maintained;
7. Fire alarms and fire extinguishers shall be installed and maintained on the premises
8. A minimum of three employees shall be on the premises between 12.00 midnight and 7.00am
9. A notice shall be displayed within the premises that confirms anyone under the age of 18, or who appears under the age of 18 and is not able to provide proof of age, will not be served alcohol.

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

N/A

Annex 4 – Plans

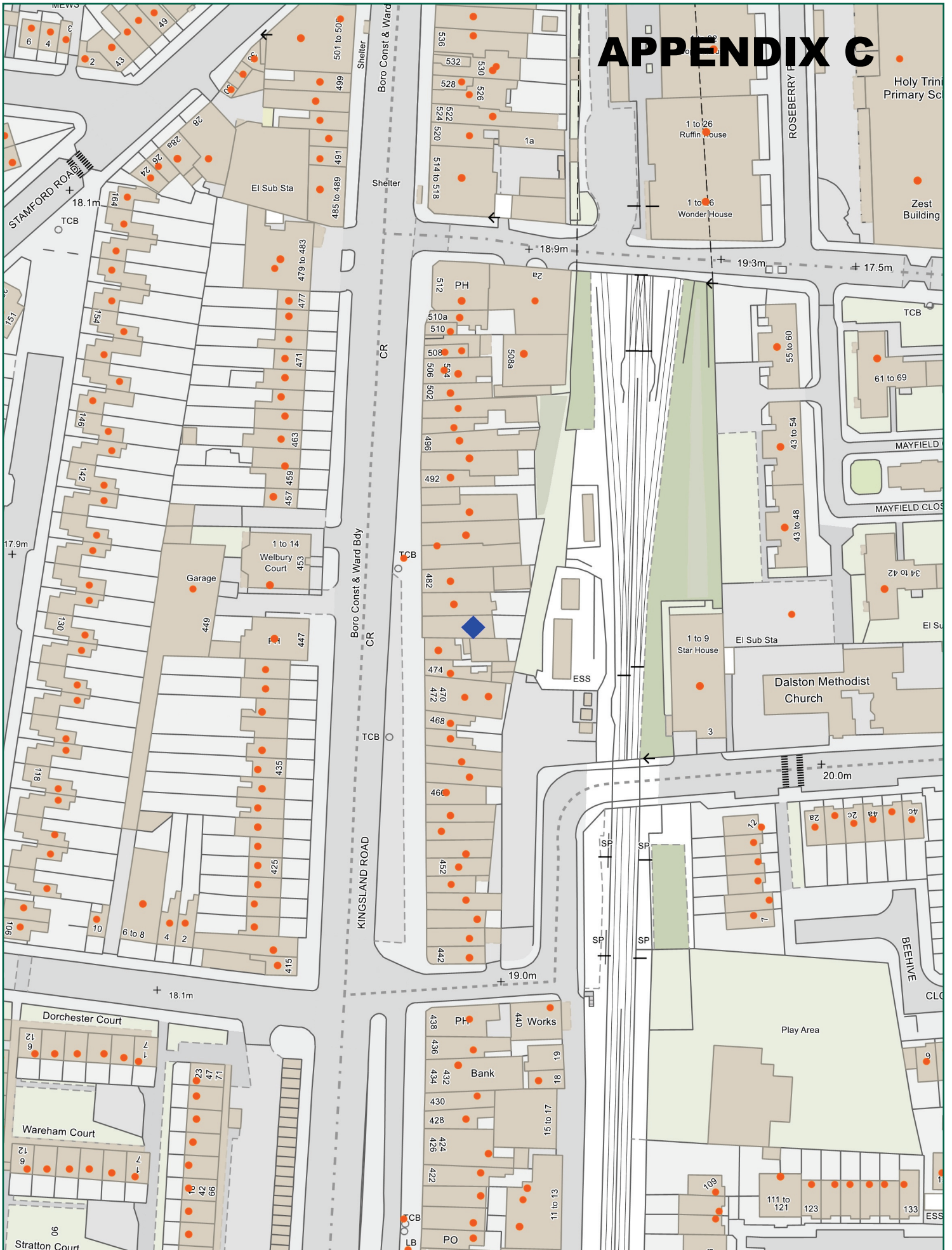
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APPENDIX C



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