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| REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING | | |
| LICENSING SUB-COMMITTEE: 03/03/2022 | Classification DECISION | Enclosure |
| Application for Review of Premises Licence: British Express, 329 Old Street , EC1V 9LE | Ward(s) affected Hoxton East and Shoreditch | |

1. SUMMARY

| | |
|---|--|
| Applicant: PC Sian Giles | In SPA: Not Applicable |
| Date of Application 23 December 2021 | |
| The Grounds for Review: <ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • The Protection of Children from Harm | |
| Current Premises Licence Details (LBH-PRE-T-1342): Premises Licence permitting 1) Sale by retail of alcohol See Appendix B | |
| Current Capacity | Unknown |
| Policies Applicable | LP1 (General Principles), LP2 (Licensing Objectives) and LP11(Cumulative Impact – General) |
| List of Appendices | Appendix A– Application requesting the review of the premises licence and supporting documents Appendix B – Current Licence Appendix C - Representations from responsible authorities Appendix D - Location map |
| Relevant Representations | <ul style="list-style-type: none"> • Licensing Authority • Environmental Enforcement |

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 PC Sian Giles on behalf of Metropolitan Police , as a responsible authority under the Licensing Act 2003, have applied for the review of the premises licenses LBH-PRE-T-1342 and LBH-PRE-T-1042 granted for the premises known as The British Express on the grounds of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.For further application details, see Appendix A.

3. CURRENT POSITION/ HISTORY

- 3.1 On 10th January 2022 the Premises Licence Number LBH-PRE-T-1042 was surrendered.
- 3.2 In February 2022 applications to transfer and to vary the designated premises supervisor were approved in respect of Premises Licence Number LBH-PRE-T-1342. See Appendix B
- 3.3 The premises have been in possession of a premises licence(LBH-PRE-T-1342) since November 2012. The current licensee is Deniz Food and Wine Ltd and the Designated Premises Supervisor is Onur Siroren . A copy of the current premises licence is attached as Appendix B.
- 3.4 No Temporary Event Notices have been submitted for the current year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

| From | Relevant Representations details |
|---|--|
| Environmental Health Authority (Environmental Protection) | Have confirmed no representation on this application |
| Environmental Health Authority (Environmental Enforcement) Appendix C2 | Representation received on the grounds of The Prevention of Crime and Disorder |
| Environmental Health Authority (Health & Safety) | No representation received |
| Weights and Measures (Trading Standards) | No representation received |
| Planning Authority | No representation received |
| Area Child Protection Officer | No representation received |
| Fire Authority | Have confirmed no representation on this application |
| Police | Not Applicable, review applicant |
| Licensing Authority Appendix C1 | Representation received on the grounds of The Prevention of Public Nuisance. |
| Health Authority | No representation received |

5. REPRESENTATIONS: INTERESTED PARTIES

| From | Details |
|--|---------|
| Representations from and on behalf of local residents. | None. |

6. REPRESENTATIONS: LICENSEE

- 6.1 No representations have been received from the licensee.

7. POLICY CONSIDERATIONS

- 7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.
- 7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.
- 7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles), LP2 (Licensing Objectives) and LP11 (Cumulative Impact – General) are relevant.

8. GUIDANCE CONSIDERATIONS

- 8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. OFFICER OBSERVATIONS

- 9.1 Not Applicable.

10. REASONS FOR OFFICER OBSERVATIONS

N/A

11. LEGAL IMPLICATIONS

- 11.1 A legal representative will be in attendance to advise Members.

12. LEGAL COMMENTS

- 12.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - The protection of children from harm
- 12.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

14. MEMBERS DECISION MAKING

14.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

14.2 The steps are:

- A. **Option 1**
Take no action
- B. **Option 2**
Modify the conditions of the premises licence.
- C. **Option 3**
Exclude a licensable activity from the scope of the premises licence.
- D. **Option 4**
Remove the designated premises supervisor.
- E. **Option 5**
Suspend the premises licence for a period not exceeding three months.
- F. **Option 6**
Revoke the licence.

15. CONCLUSION

15.1 That Members decide on the application for review of the premises licence.

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| Group Director, Neighbourhoods and Housing | Ajman Ali |
| Lead Officer (holder of original copy): | Sanaria Hussain Senior Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431 |

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

| Description of document | Location |
|--|---|
| Office File: British Express, 329 Old Street, London EC1V 9LE | Licensing Service 1 Hillman Street London E8 1DY |

Printed matter
Licensing Act 2003
LBH Statement of Licensing Policy



**METROPOLITAN
POLICE**

TOTAL POLICING

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 **PC Sian Giles 229287**

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

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

British Express 329 Old Street

Post town:

Hackney

Post code:
(if known)

EC1V 9LE

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

Mr Salman Kurt

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

LBH-PRE-1342

Part 2 – Applicant details

I am:

Please tick Yes

| | | |
|---|---|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

| (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable) | | | | | | | | | | |
|--|--------------------------|-----|--------------------------|--------------------------|--------------------------|----|--------------------------|-----------------------------|--------------------------|--|
| Mr | <input type="checkbox"/> | Mrs | <input type="checkbox"/> | Miss | <input type="checkbox"/> | Ms | <input type="checkbox"/> | Any other title (e.g. Rev.) | <input type="checkbox"/> | |
| Surname: | | | | | First Names: | | | | | |
| I am 18 years old or over | | | | <input type="checkbox"/> | | | | | | |
| Current postal address if different from premises address: | | | | | | | | | | |
| | | | | | | | | | | |
| Post town: | | | | | Post code: | | | | | |
| Daytime Tel. No.: | | | | | Email: (optional) | | | | | |

| (B) DETAILS OF OTHER APPLICANT (fill in as applicable) | |
|---|--|
| Name and Address: | |
| | |
| Telephone Number (if any): | |
| Email address: (optional) | |

| (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable) | |
|---|------------|
| Name and Address: | |
| PC Sian Giles CE Licensing unit, Metropolitan Police. Shoreditch Police Station | |
| Telephone Number (if any): | ██████████ |
| Email address: (optional) | ██████████ |

| This application to review relates to the following licensing objective(s) | | |
|---|--------------------------------------|-------------------------------------|
| Please tick one or more boxes | | |
| 1 | The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2 | Public safety | <input checked="" type="checkbox"/> |
| 3 | The prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4 | The protection of children from harm | <input checked="" type="checkbox"/> |
| Please state the ground(s) for review: (please read guidance note 2) | | |
| please see attached documnetation for our evidence for the review application. | | |
| | | |

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

Please see attached.

PROTECTIVE MARKING

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

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

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

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PROTECTIVE MARKING

Please tick Yes

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.

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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

| | | | |
|-------------------|---|--------------|------------|
| Signature: |  | Date: | 22/12/2021 |
| Capacity: | | | |

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

| | | | |
|-------------------|--|-------------------|--|
| 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):

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B

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Statement of: Sian Giles

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 9 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Sian Giles* Date: 22/12/2021

On Behalf of the Metropolitan Police Service ('MPS'), I make this statement in support of an application to review the two premises Licences for BRITISH EXPRESS 329 OLD STREET. Licence numbers LBH-PRE-1042 and LBH-PRE-1342 refers. The MPS believes that the following licensing objectives are being undermined:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- Protection of children from harm

I am the above named officer currently based in the Police Licensing Unit at Stoke Newington Police Station where I have been on and off for the last nine years. My current role is a Licensing officer.

I have personally had extensive dealings with the premises licence holder Mr Salman Kurt and the manager of this venue Mr Utku Disbudak for at least the last 6 years where I have been working with them to ensure their venue is upholding the licensing objectives, this is a key role within my work to engage and educate the venues, to identify issues and work with the management to resolve and improve the running of the business. In order to do this I need cooperation, this is something I feel I do not have with the venue who despite my engagement continue to flout the licensing law by continuing to breach conditions and ignore their obligations as a responsible operator.

The premises is in the special policy area (SPA) of Shoreditch, an area saturated with late night licensed premises, an area which in recent times has seen an increase in crime, disorder and ASB often associated with late night alcohol led venues. By being positioned in such an area it is vital these venues are run to high standards to ensure the licensing objectives are being adhered to.

British Express has two licenses but the one they use allows them to sell alcohol until 0200 and remain open until 0500.

In Summary, since 2019 the venue has had,

- 1- A closure notice served on them due to persistent selling to children (2019)
- 2- 2 x after hours sales (Nov 2021 and Dec 2021)
- 3- Numerous breaches of conditions during licensing visits
- 4- Breaches of conditions that have hindering serious investigations
- 5- Issues of disorder including a stabbing and continuous ASB outside the venue (2021)
- 6- An underage sale (Dec 2021)

Witness Signature: *Sian Giles*

Signature Witnessed by Signature:

Continuation of Statement of:

In an attempt to try to resolve the problems and in terms of engagement I have personally held five (5) meetings with the Mr Kurt and/or Mr Disbudak, I have sent numerous emails regarding issues with their two licences, 2 warning letters and at least three full licensing visits all of which identified licensing breaches. Police have regularly visited and observed the venue during their patrols and have noticed the ASB outside the shop especially from midnight until the early hours on a weekend.

For the purpose of this review and in order to keep the evidence recent and specific I will detail my dealings with the venue from 2019. The longer period is due to the global pandemic and the period of lockdowns and closures. I believe this time frame will give a fair insight into my engagement with the venue.

CLOSURE NOTICE

Jan 2019 saw the venue stop selling alcohol for a two week period after being served with a closure notice for persistent under age selling. The venue stopped all alcohol sales from 21/01/19-04/02/19. This occurred under the same licensee and management team that is still in place today. APPENDIX 1.

Meeting-

On 6th February 2019 I held a meeting with Mr Disbudak in relation to the closure notice, he stated how they had seen a 70% reduction in profit during the two weeks but they had retrained their staff, employed new staff and had made improvements in their policies and procedures such as
1- new training using a licensing course book which I have advised to get staff to sign and date.
2- new signs on the till and an adoption of the policy of no ID no sale.

Going forward Mr Disbudak explained that his brother would be taking over as the day to day running of the shop, I have asked to meet with him. – Unfortunately this didn't happen.

Visit-

April 2019 saw another test purchase operation conducted on the venue, this time the venue passed and did not sell to the underage person. However it was noted that at 0340 during the operation the alcohol was not covered up. This venue cannot sell past 0200 which brings to question why was the alcohol still on show?

Due to a mixture of the pandemic and staff the venue wasn't visited by myself again until August 2020.

Visit-

15th August 2020 I conducted a full licensing check (see APPENDIX 2) here I tried to conduct a full visit however it soon became apparent that the staff had a serious lack of knowledge around the premises licence. This hindered my visit and also caused me concern over the running and management of the business. Staff on duty could not find a full copy of the premises licence at location, which is required by law. They also could not find a refusals book or staff training records. Both of which are conditions of their licence. I wasn't confident they knew what I was talking about when I requested these documents. I conducted the visit to the best of my ability and found numerous breaches as detailed below-

Witness Signature: *Sian Sian*

Signature Witnessed by Signature:

Continuation of Statement of:

15. Clear and legible notices will be prominently displayed showing a message such as "if you appear to be under the age of 25, you will be required to prove you are over 18".- no signs on display

17. A minimum of 3 members of staff be on the premises between 22:00 hours until the premises is closed.- there was only two members of staff on duty during my visit.

18. A staff training program will be put in place ensuring all staff members know what forms of ID to accept, ensure they know what ID should look like and ensure they record this correctly in the refusals/incident book. This training will be documented and available for inspection immediately upon request by Police or the Licensing Authority.- no training records available

During this visit I left an advice letter for licensed premises reminding them of the legislation and their obligations around The Licensing Act but also the Coronavirus legislation. As seen in APPENDIX 3.

Meeting

On 18th August 2020 as a response to this visit I met with Mr Disbudak to inform him about the breaches, lack of knowledge from staff and my concerns.

I called Mr Kurt to inform him of the same and to ask him why he still had two premises licences at the venue. He informed me that he wasn't aware there were two licences and he would surrender the unused one. This was then implemented with an email to him sent on 24th August 2020 (APPENDIX 4) here I requested him to consider surrendering the licence he does not use whilst explaining my reasoning behind the request. I also informed him of some conditions that needed looking into which were being continuously breached, during a phone call he stated these conditions were unrealistic therefore I advised him to seek advice and consider a variation.

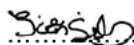
19. In respect of alcohol sales which take place after 00:00 on Thursday-Saturday, all beers, ciders and ready mixed spirits (i.e. Barcardi Breezers, Smirnoff Ice etc.) to only be sold in plastic bottles.

21. All staff shall be required to wear badge s which should include their full name and title.

Lastly I informed him about the breaches found at the last licensing visit and asked him to rectify.

I didn't receive a response or a variation.

The pandemic again meant visits and engagement with the venue saw a decrease until the summer of 2021, this venue was identified as a hotspot for ASB with a new wave of people loitering outside the venue, taking and selling NOX balloons, congregating outside on the narrow pavement and causing members of the public onto the busy highway in order to get past.

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

Meeting

Therefore in July 2021 I requested a meeting with the venue. This was held at Stoke Newington Police Station, in attendance was Mr Kurt and Disbudak as well as myself, PC Ryan and PC Steele.

Issues of conditions being breached were discussed as well as issues about people hanging around outside, a lack of dispersal and increase of ASB in the area. We explained our concerns regarding the conditions 19 and 21 that were not being adhered to as well as the two licences. Mr Kurt said he wouldn't surrender a licence because he wanted to keep a licence in case 'we went after it'. I did explain that if we were to seek a review of his premises licence we would look at getting both reviewed at the same time.

I detailed me witnessing the inefficient SIA who stood inside the venue on his phone not paying attention or even attempting to disperse the customers outside. Mr Disbudak stated that he will replace him and someone new would be asked to start.

PC Steele advised that the SIA need venue specific training and perhaps more support, Mr Kurt asked for PC Steele to meet the new SIA guard on Friday 30th July. It was explained he would try to meet but would all depend on what was happening on the night.

PC Ryan who deals with premises licence applications discussed the option of putting in a minor variation to remove C21- name badges. C.19 discussed- shop to buy more cans and remove bottles of beer etc.

We ended the meeting with the assurances from the venue that no more breaches would be found, that a variation would be submitted and all staff including the SIA would be trained and more proactive in preventing and dealing the with ASB from their customers.

None of this happened.

Visit

On 15th November 2021 at 1500 hours I visited the venue to conduct a full licensing check (APPENDIX 5) staff member Mr Ibrahim Disbudak was behind the till. When I identified myself and explained the purpose of my visit whilst asking for a copy of his premises licence he said he didn't know where it was and asked me to wait for his son Uktu (Mr Disbudak) We began the licensing check whilst waiting. We found the follow conditions not being adhered to

Condition 7- Clear and legible notices to be displayed informing customers CCTV in operation.

No signs were on display

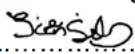
Condition 10- All customers to be asked to leave quietly. Clear and legible notices to be clearly and prominently displayed reminding customers to respect neighbours and leave quietly.

No signs were on display

Condition 21- All staff shall be required to wear badges which should include their full name and title.

Staff were not wearing badges

Condition 26 X11- XII. Have signage displayed in the customer area to advise that CCTV is in

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

operation.

No signs were on display.

I spoke to Mr Disbudak about the issues of ASB outside his shop, informing him that a stabbing had occurred outside last month, (**CRIME- STABBING Stabbing 4623058/21 11/09/2021 at 0300. Stabbing on pavement outside venue. CCTV footage can be shown if needed.**)

Local police and our partners had identified the front of his store as a hotspot for crime, disorder and ASB. The fact that no improvements had been since seen our last meeting was disappointing.

I asked him to look to his SIA, perhaps he needed more support or further training. Mr Disbudak said he would look at employing an extra SIA as it was unsafe for his staff or SIA to deal with the people that loiter outside. He argued there was nothing else he could do.

I asked him to have a think, talk to Mr Kurt and get back to me.

After hours sale

On 21st November 2021 the venue were witnessed operating after its licensed hours by means of selling alcohol past its licensed time of 0200.

Between the times of 0240-0310 around 6 alcohol sales took place mostly involving the sale of tonic wine called MAGNUM. The one male SIA was doing nothing to dispersal the crowd of 10-15 males loitering outside the shop doing NOX balloons. Customers from the shop were seen buying alcohol then loitering outside drinking and partaking in the NOX balloons.

APPENDIX 6.

Warning letter

As a result of the licensing breaches and after hours sale I sent a warning letter via email to Mr Disbudak and Mr Kurt on 22nd November 2021. As seen in APPENDIX 7.


Meeting

I then hand delivered the letter to Mr Disbudak on 23rd November 2021. It was during this meeting I expressed my frustrations with the lack of improvements despite my numerous meetings, visits and phone calls in an attempt to resolve the issues. Then to witness the venue operate past its hours left me with little confidence about the running of the establishment. Mr Disbudak described the people loitering outside his shop as trouble makers but didn't know what he could do to safely move them on. I suggested he close at 0200 hours after his licensable hours, he refused saying it was still a good profit between 0200-0500 hours. I asked him to consider it for a trial period and he said it was doubtful but would speak to Salman. I explained this may help the issue. He informed me that he had employed an extra SIA from a company which is used by other nearby venues to try and establish a community style enforcement amongst the nearby venues.

On 24th November 2021 I received information from a uniform colleague about the venue hindering their investigation by not adhering to their CCTV conditions which in stipulates

6. CCTV monitoring system to be maintained. Recordings to be kept securely for a minimum 31 days and made available to Police and Council Licensing Officers upon request.

7. Clear and legible notices to be displayed informing customers CCTV in operation.

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

26 XIII. Digital images must be kept for 31 days.

As seen in APPENDIX 8 PC Ferris attended the venue to obtain CCTV in relation to a criminal investigation however no one at the venue could operate the CCTV, the CCTV was showing the incorrect time and the CCTV was not saved for the required 31 days, as detailed in APPENDIX 9 which shows that the footage only actually saves for three weeks. This meant the evidence was lost and the crime closed.

On 25th November 2021 I requested a meeting with himself, Mr Kurt and the DPS of the 0500 licence whom I had never met Mr Kalender Kurt. APPENDIX 10.

Meeting

On 29th November this meeting took place, however Kalender did not attend. In attendance was myself, PC Ryan, Mr Kurt, Mr Disbudak and their licensing consultant Onur Siroren. During this meeting we again repeated the same topics of the conditions 19 and 21, the repeated licensing breaches in relation to the same conditions not be adhered to. The after hours sales, the poor dispersal and ASB outside. They stated the after-hours sale was a one off which wouldn't happen again.

I made it clear to the venue that we have exhausted all our options with trying to support the venue to abide by their licence. We were now considering enforcement action.

Mr Siroren seemed to grasp the seriousness of the issues and assured us he would look at varying the licence immediately to ensure such breaches did not occur. He also promised to train staff within two weeks and send us those details once done.

Again I asked the venue to consider closing at 0200 even on a trial basis in order to disperse the late night crowds and prevent the ASB their staff were struggling to deal with. The venue were not keen on this idea, and this did not happen.

We did not hear back from the venue until 16 days later but still no variation was received, which I will detail later in my statement.

Visit/observation

As part of my role I work night shifts in an around Shoreditch, on 5th December 2021 I observed the venue twice during my shift.

The first was at 0044 when I was walking past as part of an unrelated pre planned covert operation, I was by myself but could smell cannabis coming from inside the shop. I walked inside and the smell became more potent, I asked the staff about this, they refuted and said it must have been coming from outside. Unfortunately I didn't have the resources to deal with it on the night due to the operation I was partaking in therefore I noted it in my work return at the end of my shift.

Then again at 0358 whilst I was on duty in plain clothes with my colleague PC Leban whilst stationary in our vehicle on CURTAIN ROAD facing BRITISH EXPRESS we a crowd as seen in APPENDIX 11 this crowd contained around 15 males loitering. Some were participating in inhaling NOX balloons. Others were coming in and out of the venue. No other venues nearby were open. These were all here because of this one shop.

CRIME- UNDER AGE SALE 10/12/2021 2300 hours .

Witness Signature: *Siroren*.....

Signature Witnessed by Signature:.....

Continuation of Statement of:

On 10th December 2021 this venue sold to a 15 year old cadet as part of a test purchase operation. This is detailed in the statement from PC RIDOUT in APPENDIX 12 and can be seen on the venue's CCTV (23.26-23.28) APPENDIX 13. Please note the CCTV timings at out by 20minutes. The offence actually took place at around 2303. Appendix 14 shows the underage sale through stills of the CCTV footage.

Due to operational reasons the officers on the night were unable to issue a fixed penalty notice for the underage sale.

CRIME 4633100/21-. - GBH 10/12/2021 00:30-01:00

On the same night a few hours later a GBH occurred near to the venue.

Circumstances -

On Friday 10th December 2021, the victim was outside **BRITISH EXPRESS STORE** when his phone was taken from his hands by an unknown male, believed to be black male wearing a balaclava.

This suspect has then made off and the victim has followed him, demanding his phone back. The suspect has subsequently turned around and hit the victim on his left eyebrow with something, victim does not know if this was a fist or an object of some kind.

This assault left a large laceration to the left eyebrow, certainly needing multiple stitches

CRIME 4633220/21 - ROBBERY and AFTER HOURS SALE. 11/12/2021 0245-0300

The victim was taken by suspect (who disclosed he had a knife) to location and forced to buy 2 bottles of MAGNUM WINE between the times of 0245-0300 whilst also being forced to withdraw money. CCTV stills taken from outside the shop show victim and suspects drinking the MAGNUMS bought from the shop at 0253 (SEEN IN APPENDIX 15) illustrating an after hours sale.

Also seen in APPENDIX 15 are two further shots.


- 1- Taken at 0255 with the crowds loitering and participating in balloons.
- 2- Taken at 0316 with the SIA looking at his phone whilst crowds loitering and participate in balloon. Amongst these crowds are the robbery suspects who have told victim they are carrying a knife, have access to guns and owe money for a drug deal.

Email from venue

On 15th December 2021 I received an email from the venue's licensing consultant as seen in APPENDIX 16 , here he informed me about the improvements he had made including retraining all staff and has asked me to confirm our support in regards to the rewording of the conditions 19 and 21 mentioned earlier in this statement.

Now I accept this can be seen as a slight improvement and hints that the venue may be engaging, however they have still continued to breach another 16 days in spite of a licensing consultant being made aware of this. A variation should have gone in immediately once the consultant had been informed. In light of the recent incidents of after-hours sale and selling to a child I feel these serious events cannot be ignored.

I informed the consultant of the underage sale in a response email as seen on APPENDIX 17. It was also noted that the CCTV timing is still incorrect.

Witness Signature: 

Signature Witnessed by Signature:.....

Continuation of Statement of:

Crimes

Since May 2021 this venue has been linked to 8 crimes, 1 ABH , 2 Robberies and the 5 theft related offences.

In conclusion

My interactions with the venue have been extensive, spanning over a two year period. I have attempted to work with them on every occasion. These dealings with the venue have resulted in a large number of concerns which have not been resolved in spite of my numerous warnings.

The location of the venue and the hours it operates make it imperative that the venue has responsible and stringent management. This is in order to promote the licensing objectives whilst also minimising their influence on the negative cumulative impact of the area. I believe that this is not something that British Express has done, as demonstrated in this statement.

There has been a clear lack of improvement since the start of my visits giving me no confidence in the ability of the licensee, management or staff to uphold the licensing objectives. I feel they have no regard for the Licensing law and has demonstrated this on numerous occasions.

I question if the condition below is ever adhered to as detailed in my statement.

23. There shall be 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

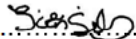
and the underage sales demonstrates the below condition is also not adhered to.

14. The licensee shall promote 'Challenge 25' or 'Think 25' or any such similar scheme

Despite of my most recent meeting with their licensing consultant the venue have sold to a child and sold after its licensed hours, 2 weeks after the meeting and merely days after the staff have been retrained (as seen in Appendix 16) I have considered all options that I myself has as a Police Officer within the licensing department and feel I have exhausted all my options.

I have considered the options the committee will have to deal with this matter in a review hearing and feel that the only option I would respectfully request is for them to consider a revocation of the two licences, as I detail below-

- 1- Removal of DPS- it is the lack confidence in the premise licence holder , DPS and staff as a collective therefore a change in DPS wouldn't meet the required change needed.
- 2- Add/amend conditions- the venue have failed to adhere to their current conditions already in existence. Secondly, some of the problems you cannot condition and are already in law, such as selling to a child.
- 3- Removal of an activity- the removal to serve alcohol in January 2019 didn't seem to have an impact on the venues attitude towards abiding by its licence or the law therefore I feel this is not appropriate.
- 4- Do nothing- We feel the issues here are far too serious for the committee to choose to do nothing. Our extensive engagement seems to have had little effect and the issues are still apparent.
- 5- Suspension of the licence- as discussed in the earlier options we feel the seriousness of the issues detailed in this statement deem a suspension of this licence in appropriate as we feel it

Witness Signature: 

Signature Witnessed by Signature:

Continuation of Statement of:

will have little effect in the long run. The issues are a multifaceted problem, one that a suspension of its licence will fail to improve.

6- Revocation- We feel this is the only option available.

In conclusion the MPS believe that it has exhausted all of the options available to it and therefore as a consequence) I am bringing this matter before the licensing authority for a review of its premises licence.

Witness Signature: *Siens*

Signature Witnessed by Signature:

| | | |
|----|---|------------|
| 1 | Closure Notice- persistent selling to children (email confirming it being issued) | Jan-19 |
| 2 | 695 visit form | Aug-20 |
| 3 | Licensed venue advice letter | Aug-20 |
| 4 | Email sent to Mr Kurt (PLH) | Aug-20 |
| 5 | 695 visit form | Nov-21 |
| 6 | CCTV from Local Authority of venue selling after its licensed hours (SKG/1-to be submitted at a later date) | Nov-21 |
| 7 | Warning letter | 22/11/2021 |
| 8 | Statement from PC Ferris in relation to CCTV breach | 24/11/2021 |
| 9 | Intel from VIIDO | 23/11/2021 |
| 10 | email request for a meeting | 25/11/2021 |
| 11 | Picture of outside area taken at 0358 | 5/12/2021 |
| 12 | Statement from PC Ridout | 10/12/2021 |
| 13 | CCTV from venue (to be submitted later) | 10/12/2021 |
| 14 | CCTV stills of underage sale | 10/12/2021 |
| 15 | CCTV stills from Robbery | 11/12/2021 |
| 16 | email from licensing consultant | 15/12/2021 |
| 17 | email chain regarding underage sale | 15/12/2021 |

Subject: Re: Closure notice

[REDACTED]
to Sian.Giles

Appendix A1

Tue, 15 Jan 2019

You are viewing an attached message. London Borough of Hackney Mail can't verify the authenticity of attached messages.

I confirm I have received it Sian, thanks.

Utku Disbudak

On 10 Jan 2019, at 13:47, "Sian.Giles@met.police.uk" <Sian.Giles@met.police.uk> wrote:

Hi Utku,

My colleague served the venue with a closure notice on 4th January. I did speak to Salman prior to this and informed him.

Just to confirm the closure notice is from the period of 21st Jan-4th Feb where you will not be licensed to serve alcohol at any times during this period. All sales will be deemed as an unauthorised sale which is a criminal offence and you will be liable to a review hearing, prosecution with possible imprisonment and/or fine of £20,000.

This is all explained on the closure notice.

Can you confirm you received the notice? It was served at both of Salman's premises in Hackney.

Many thanks

PC Sian Giles 810GD

Hackney Police [REDACTED]
[REDACTED]

Consider our environment - please do not print this email unless absolutely necessary.

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METROPOLITAN POLICE

TOTAL POLICING

Come bk TUE

Form 695
Revision Needed

Licensing Act 2003 - Record of Visit to Off - Licensed Premises

Details

Name of Premises: British express

Address of Premises: 329 Old St

Date of Visit: 15/8/20

Time Of Visit: 2222

APPENDIX A2

Premises Details

LBH licence number

Is the Designated Premises Supervisor (DPS) present? Yes No

Record details of DPS personal Licence (include full name, issuing authority and lic No.)

DPS Contact No.:

If No DPS is present provide details of person in charge:

Record details of personal Licence (include full name, issuing authority and lic No.)

Is CCTV installed? Yes No

Are miniature bottles on sale Yes No

Does venue sell single can / bottle sales of beer / cider Yes No

Does venue sell beer / cider over 6.5% Yes No

Does venue sell / give away single paper / plastic cups Yes No

Does venue have a refusal sales book Yes No

Does the venue operate Challenge 21 25

Age / ID signs displayed? Yes No

Is summary licence on display? Refer notes on back Yes No

Is full licence available on premises? Refer notes on back Yes No

Does the venue operate any drinks promotions or cheap sales as a one off? Yes No

Premises Staff

How many staff are on duty? 2

How many Personal Licence Holders on site? 0

Are staff training records available? Yes No

In officers opinion did venue staff have a good understanding of licensing laws? Yes No

General attitude of staff : helpful unhelpful obstructive other

Explanation of licence

Summary licence - This normally consists of one / two page document containing the address of venue, DPS information and open hours of the venue and sale of alcohol hours

Full Licence - This contains the above information but also list the full set of actual conditions for the licence.

Licensing Objectives are

- Prevention of crime and disorder
- Protection of children
- Prevention of Public nuisance
- Public safety

To be completed by person in charge of venue

I confirm that I have received a letter from the Metropolitan Police titled " Christmas New years Eve Equinox 2014"

DATE _____ print name _____

Signature _____

Which conditions breeched

15. 19A -

17. 21A - Variation/Removal

18.

Details of officer conducting visit

Name Giles Shd No 1810 CC Warrant No 229287



APPENDIX A3

CE Licensing Unit

advice letter for Licensed Venues.

Important information, please ensure the premises licence holder reads this letter

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email:
hackneylicensing@met.police.uk
www.met.police.uk

14th August 2020

Dear Venue

On Saturday 4th July 2020 COVID-19 restrictions were lifted allowing the re-opening of the hospitality sector. This has led to unprecedented demand on the police/emergency services due to the significant increase in footfall within the Shoreditch triangle.

Large groups of people are drinking and gathering on the streets, which in turn has led to an increase in violent crime and anti social behaviour. As a licensee, you have a part to play in helping the Police reduce violence and prevent drunkenness in being a causal factor in violent crime within the nighttime economy.

There are many ways you can do this, the most important one is to understand and uphold the licensing objectives set under the 2003 Licensing act. These are -

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

This is an obligation and will not only help prevent crime but will also help to **protect your licence**.

Responsible alcohol sales go a long way in helping to reduce and prevent disorder for example -

- Never sell alcohol to a person who is intoxicated (section 141 Licensing act)
- Ensure care is considered for potentially vulnerable people (single female, very drunk/or drugged person, etc)
- Always challenge age where there is any doubt.

If you are an Off-Licence

- Do not offer or sell plastic cups to allow consumption of alcohol in the street.
- Be careful how you target the night time economy customer ie sales of minitures.
- Consider who is purchasing lagers, beer or cider over 6.5%abv.
- Consider who is purchasing single cans.

Your help in reducing alcohol related violence is greatly appreciated but always remember that failure to uphold the licensing objectives could result in formal **enforcement action** and potentially the **loss of your alcohol licence**.

Yours sincerely,

CE Licensing team.

Subject: Premise licence at 329 Old Street



Sian.Giles@met.police.uk

to [REDACTED]

Mon, 24 Aug 2021

You are viewing an attached message. London Borough of Hackney Mail can't verify the authenticity of attached messages.

APPENDIX A4

Dear Mr Kurt,

Following on from our telephone conversation it has been noted that you have two licences registered to the off licence at 329 Old Street EC1V 9LE. References are LBH-PRE-T-1342 (alcohol 0200, open until 0500) and LBH-PRE-T-1042 (alcohol 0200, open until 0200) I believe you are currently using 1342. I have attached both for your convenience.

After discussions with yourself I am confident that you will agree the 1042 serves no purpose and therefore could be surrendered? This is something I would ask you to consider. Not only will this save any confusion amongst staff but also will ensure those from the Police or another responsible authority will be able to ensure the correct licence is being adhered to.

Secondly I mentioned some conditions on your licence which I questioned the suitability of. For your ease I have copied them below. I would ask you to consider seeking advice and taking steps to remove these by way of a variation.

19. In respect of alcohol sales which take place after 00:00 on Thursday-Saturday, all beers, ciders and ready mixed spirits (i.e. Barcardi Breezers, Smirnoff Ice etc.) to only be sold in plastic bottles.

21. All staff shall be required to wear badges which should include their full name and title.

During the visit conducted on the 15/08/20 at around 22:22 I was unable to complete the licensing checks due to the members of staff not having enough knowledge around the licence to facilitate the checks. I did note some breaches such as

15. Clear and legible notices will be prominently displayed showing a message such as "if you appear to be under the age of 25, you will be required to prove you are over 18".- no signs on display

17. A minimum of 3 members of staff be on the premises between 22:00 hours

Inspection

| | |
|---|---|
| What age verification policy in place? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| If so, is there signage visible? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Is the layout of the premises in accordance with the plan? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Does the Premises sell disposable cups or evidence they open bottles? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Does the Premises sell drug paraphernalia? Cannabis Grinders + pipes | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Does the Premises sell Knives? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If yes, are they displayed and stored appropriately? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Does the Premises keep an incident/refusals Log? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| If yes, is it used? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Does the Premises keep staff training records? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

General Staff

| | |
|---|--|
| How many staff are on duty? | 2 |
| Is there a trained first aider on duty? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| General attitude of staff? | Helpful <input checked="" type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other <input type="checkbox"/> |

Actions

| | |
|--|---|
| Have any breaches in the licensing conditions been identified? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
|--|---|

Details of breaches:

Condition 7 - No CCTV in operation signs.
 Condition 10 - No signs relating to customers leaving quietly
 Condition 21 - Staff not wearing name badges.
 Condition 26 XII - Sign for CCTV

| | |
|---|---|
| Has a form 694 (notification of alleged offences) been served? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Has a section 19 Closure notice been served, including explanatory notes? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Has this visit been entered on LIPS? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Is a warning letter required as a result of this visit? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

Are there other offences or issues relevant to partner agencies (ie fire, Gambling Commission, Environmental Health, HM Customs and Excise, Etc)?

Appropriate Agency:

Contact Name:



TERRITORIAL POLICING

British Food and Wine
329 Old Street
Hackney

GD - Hackney Borough

**GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile:

Email:

hackneylicensing@met.police.uk

www.met.police.uk

22/11/2021

Dear Mr Kurt

On 15th November 2021 at around 1500 hours Police Licensing visited your venue to conduct a full licensing visit.

This check led to a number of breaches being identified,

Condition 7 and 26 both require you to have signs on display informing customers that CCTV is in operation. No signs were present.

Condition 10 requires you to display signs asking customers to **leave quietly**, these were not displayed.

Condition 21 stipulates staff must wear name badges- no name badges were seen.

We have spoken about these conditions recently therefore it is disappointing these continue to be breached.

I also spoke to Utku regarding your outside area, this continues to be a problem and needs addressing. If we do not see any improvements we will have to consider our options in regards to enforcement and/or closure notices.

On 21 November 2021 we witnessed a number of alcohol sales take place between the hours of 0240 and 0248. This is after your licensed time to serve alcohol (0200 hours), these sales were also of glass bottles, something you are not permitted to sell past midnight. This needs to be rectified immediately. Your condition stipulates all beers, cider and ready mix alcohol must be sold in plastic containers. Cans of beer are unacceptable. This condition has been discussed on numerous occasions with yourself but you have failed to comply again.

I must remind you that any breaches of your premises licence can lead to a criminal prosecution or a review of your premises licence.

If you wish to discuss further please give me a call.

Yours sincerely,

PC Sian Giles

Hackney Police Licensing Unit.

WITNESS STATEMENT APPENIDX A 8

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Statement of: PC FERRIS

Age if under 18: over (if over 18 insert 'over 18') Occupation: PC

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Elian Lannia P151975* Date: 24/11/2021

I am the above named officer and this statement relates to CRIS 4628594/21 of which I am the OIC.

On 17/11/2021 at 1106HRS with PC CLARKE 1280CE I attended the BRITISH EXPRESS off licence shop, EC1V 9LE for the purpose of gathering CCTV footage of the offences of Fraud by false representation and Theft. I spoke with the manager who stated they did not know how to work the CCTV, save it or download it. Therefore, myself and PC CLARKE found out how to play back the footage.

Between 29/10/2021 23:05:00 and 29/10/2021 23:40:00 (which was not the actual time but the time shown on the CCTV machine due to the machine being set to the wrong time) I observed the male I now know to be XXXXXXXXREDACTED TEXT XXXXX use a brightly coloured card to attempt to purchase a large glass bottle containing a dark liquid. I could tell that it was XX REDACTED XX due to this footage matching the footage from officers Body worn video of the incident, XX REDACTED XX was standing in the same place in the same clothes and when XX REDACTED XX was detained by police he dropped a card which matches the card XXREDACTEDXX was using to tap on the card reader in this CCTV footage.

I observed XXREDACTEDXX make several attempts to tap the card onto the contactless card reader, I then saw a receipt being produced and handed to XX REDACTED XX and XX REDACTED XX reach for the glass bottle. The shop keeper did not give XX REDACTED XX the alcohol and the other shop keeper then presented a new card reader which XX REDACTED XX tapped the card onto. This suggests that the card was declined, the receipt produced was a receipt to show the card was declined and then XX REDACTED XX attempted again to use the card on a different card reader. At this point Police officers enter the premises and detain XX REDACTED XX
This concludes my statement of when I viewed the CCTV of this incident.

Elian Lannia P151975

Witness Signature: [REDACTED]

Signature Witnessed by Signature:

If you get a similar situation again, and time is of the essence (although they didn't tell you so you didn't know) you've found the DVR if you go via 'export' on the main menu and you can borrow a usb from us...we can the on a disc for you in the office

Thanks

APPENDIX 9

Will
CE Viido

From: [REDACTED]
Sent: 19 November 2021 16:11
To: CE Mailbox - VIIDO Team <VIIDOMailbox-HUBGD-HT@met.police.uk>
Subject: 4628594/21

Good afternoon,
Please find attached my request for a CCTV appointment.

Unfortunately I do not have a contact for anyone at the shop however it is 24 hours and they have been open times I attended. Apologies I did not realise I needed to get a contact when I went to the location.

The staff behind the counter and the manager did not know anything about how to work, download, or use the but I managed to use it and watch the footage but couldn't work out how to save or down load. The CCTV time wrong on the machine when I went so I have included the time that the offence was shown on the CCTV on th

I'm looking for the camera angle that shows the male paying with a pink monzo card when i went the camera I side on view of the counter so you could clearly see the card machine passed over and then the card tapped. Hope this helps if you need anything more let me know

Kind regards, Elise Ferris



PC Elise Ferris

Metropolitan Police Service
Central East BCU (Hackney & Tower Hamlets)

[REDACTED]

In an emergency, always dial 999. For non-emergency, please call 101

Unless otherwise stated this email is
GSC Code - Official



PC Sian Giles
Licensing Officer
Central East BCU (Hackney & Tower Hamlets)
Metropolitan Police Service

[REDACTED] [uk](#)

Subject: Re: licensing breach

Thu, 25 Nov 2021



[Redacted] to Sian.Giles

You are viewing an attached message. London Borough of Hackney Mail can't verify the authenticity of attached messages.

Sure, see you then.

Thanks

Utku

APPENDIX A10

On 25 Nov 2021, at 13:33, S [Redacted] wrote:

Dear Salman and Utku,

Please can we meet to discuss this. I will also require the attendance of Kalender who if shown at the DPS for the 2nd licence.

Can you attend Stoke Newington Police Station on Tuesday 30th November at 11am.

Many thanks

Sian

From: Giles Sian - CE-CU

Sent: 22 November 2021 12:48

To: [Redacted]

Subject: licensing breach

Salman and Utku,

Please find a warning letter attached.

regards



PC Sian Giles
Licensing Officer
Central East BCU (Hackney & Tower Hamlets)
Metropolitan Police Service

M: [Redacted]



WITNESS STATEMENT APPENDIX A12

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[] [] [] []

Statement of: James RIDOUT

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable p243070

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [Signature] Date: 15/12/2021

On Friday 10th December 2021 I started my shift at 2000 hours for a test purchase operation. This Operation was to use police cadets not yet 18 to go in to the Off-licences and to try and buy alcohol with no ID. I was in Civilian clothes as a safety officer for the Cadets when they go in to the shops.

At about 22:55hours we pulled up into Hoxton Square and parked up to go to the British Express EC1V 9LE. The Cadet who was 15 years old was given a £5 note and was asked to go in and buy a can of Stella. I walked with the cadet and then went into the shop at about 23:03hours just before the Cadet. I have walked past two security guards at the door and walked down the shop. They had two staff members behind the counter on in his 30's and one in his 20's they also had a member of staff walking around the shop also. I walked past the counter and stood at the shelves to the far end of the shop. The Cadet has then walked in and has gone to the fridge area across from the counter he has picked up a Can of Stella and placed it on the counter at about 23:05hours. The male in his 20's has made no attempt to ask his age or for ID he has then taken the £5 note and given him the change. The Cadet has then walked out the shop and waited for me down the road. I have then exited the shop and walked back to the van.

The Cadet said that it was £2 for the can and then gave back £3 in change and the Can of Stella.

The Male in his 20's was an IC4 male with short wavy hair he was wearing a white Jacket.

[Signature]

Witness Signature: [Signature]

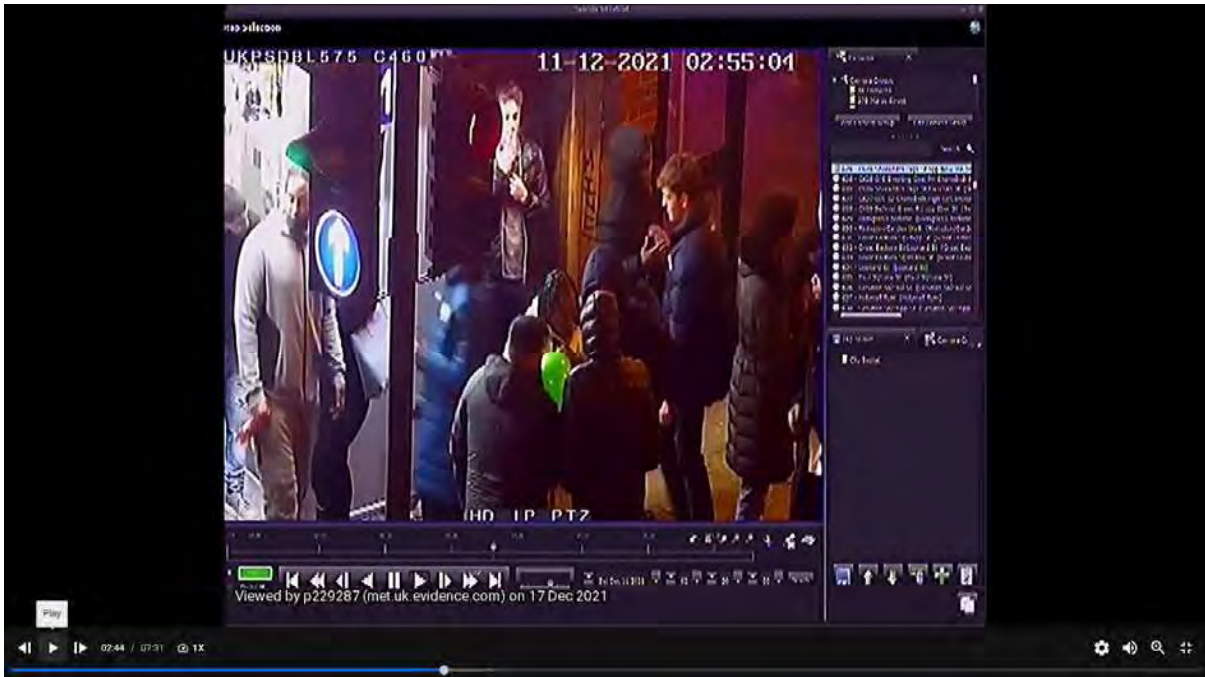
Signature Witnessed by Signature:



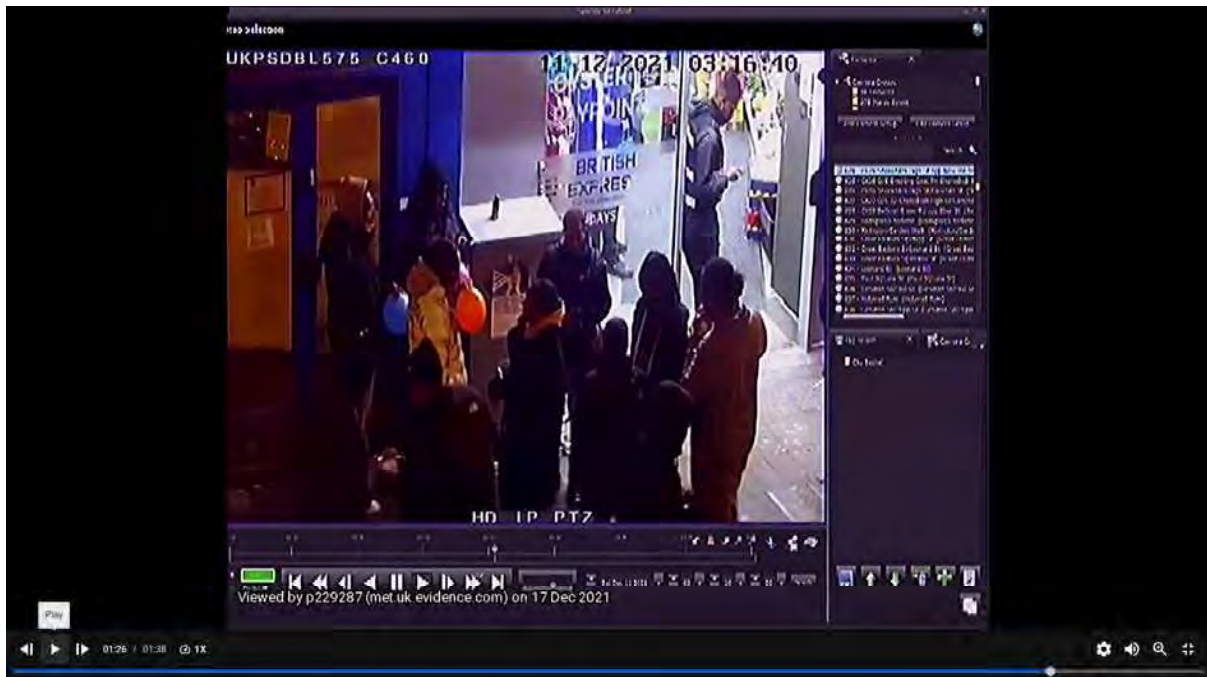
APPENDIX A15

APPENDIX 15 ROBBERY 11/12/2021 stills

(Clip 1.1) 2021_12_11_MON1005_2052_0343.mp4



[\(Clip 3.1\) 2021_12_11_MON1005_2052_0343.mp4](#)



Subject: British Food and Wine (LBH-PRE-T-1042) improvements 329 Old Street Hackney



to Sian.Giles, [REDACTED]

Wed, 15 Dec 2021

APPENDIX A16

You are viewing an attached message. London Borough of Hackney Mail can't verify the authenticity of attached messages.

Dear Sian

It was great meeting you and Carrie on 30/11/2021 at your offices to discuss the findings / breaches on the licence for British food and Wine where Mr Salman Kurt is the DPS.

In that meeting We explained and showed photo evidence of the improvements made at the premises to fully comply with conditions:

7 – 26 Signs must be on display informing customers that CCTV is in operation. NOW FULLY COMPLIED WITH.

10 Displaying signs asking customers to leave quietly. NOW FULLY COMPLIED WITH.

21 Staff displaying their name badges. NOW FULLY COMPLIED WITH.

We also put a sign outside the premises to inform customers the alcohol sale cut off time to avoid them coming trying to buy. We try and minimise people entering the premises and asking for alcohol after permitted times. There are 5 other signs in the premises.

On the meeting we discussed the selling of an alcoholic drink after hours. The drink was a drink called Magnu which is a tonic however contains alcohol and is in a glass bottle.

Sian for this kind of breach not to happen again, as mentioned at our meeting with you I carried out a training session with Mr Utku and 6 of his Staff members on Monday 13/12/2021. The records of this training session will be placed at the premises. Also the CCTV footage is available of the training if you wish to see.

On the training we covered:

1. Explanation on each and every staff members responsibility on promoting the 4 licensing objectives.
2. Understanding the conditions attached to the licence and how to implement them.
3. How to implement Challenge 25 policy at all times. Accepted forms of Identification.
4. How to report alcohol refusals.
5. Identifying risk on selling alcohol to individuals who looks vulnerable.
6. How to operate CCTV immediately if an officer needs to view it.
7. How to deal with aggressive behaviour.
8. Identifying and Reporting crime.
9. The venue will be keeping an improved incident reporting log.

The training will be refreshed every 12 months or if necessary when employing new staff. Condition 18 about the training is now FULLY COMPLIED WITH.

Subject: RE: British Express**Sian.Giles@met.police.uk**

to [REDACTED]

Wed, 15 Dec 2021

You are viewing an attached message. London Borough of Hackney Mail can't verify the authenticity of attached messages.

APPENDIX A17

Hi Onur,

I believe one of the males in that footage is the staff member but we are just confirming that with the officers who conducted the operation.

The sale was made during a test purchase operation so we are certain the offence took place, the penalty was issued due to operational reasons. This is not the normal procedure but deemed necessary on this particular occasion.

In relation to the CCTV- I am somewhat disappointed that the camera time is still incorrect despite discussing this with the CCTV meeting during our meeting on November.

Many thanks

Sian

From: [REDACTED]
Sent: 15 December 2021 13:05
To: Giles Sian - CE-CU <Sian.Giles@met.police.uk>; [REDACTED]
Cc: Hackney Licensing Unit - GN <HackneyLicensingUnit-GN@met.police.uk>
Subject: RE: British Express

Hi Sian

The footage is from 23:00 as you requested. (15 minutes difference on the CCTV) I am having a chat with Utku exactly the person you mean as he is having difficulty finding a white jacket staff.

Sian would you be kind enough to explain how do we know the offence took place for sure? And why the penalty issued on the spot? Utku is aware of the seriousness of the situation.

I am in no way trying to waste your time nor deny any wrongdoing at this stage. I just want to find out more information.

Best

Onur Siroren

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 15 December 2021 12:58

This premises licence has been issued by:
Licensing Service
1 Hillman Street
London
E8 1DY

Premises licence number LBH-PRE-T-1342

Part 1 - Premises Details

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

British Food & Wine Store
329 Old Street

| | | | |
|------------------|--------|-----------------|----------|
| Post town | London | Postcode | EC1V 9LE |
|------------------|--------|-----------------|----------|

| | |
|-------------------------|--|
| Telephone number | |
|-------------------------|--|

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 08:00-00:00
Tue 08:00-00:00
Wed 08:00-00:00
Thu 08:00-02:00
Fri 08:00-02:00
Sat 08:00-02:00
Sun 08:00-00:00

The opening hours of the premises

Standard Hours:

Mon 07:00-05:00
Tue 07:00-05:00
Wed 07:00-05:00

Thu 07:00-05:00
Fri 07:00-05:00
Sat 07:00-05:00
Sun 07:00-05:00

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 email (where relevant) of holder of premises licence

Deniz Food and Wine Ltd
329 Old Street
London
EC1V 9LE

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

10711971

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

Onur Siroren



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

Personal licence number:



Issuing Authority:



Date of grant: 8 November 2012



David Tuitt
Team Leader - Licensing

Annex 1 - Mandatory Conditions Supply of Alcohol (Off Premises)

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.

Door Supervision

5. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the Operating Schedule

6. CCTV monitoring system to be maintained. Recordings to be kept securely for a minimum 31 days and made available to Police and Council Licensing Officers upon request.
7. Clear and legible notices to be displayed informing customers CCTV in operation.
8. Appropriate fire safety procedures are to be in place along with appliance including fire extinguishers (H2O and CO2), internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances to be inspected annually.
9. Emergency escape routes will be kept free from obstructions at all times.
10. All customers to be asked to leave quietly. Clear and legible notices to be clearly and prominently displayed reminding customers to respect neighbours and leave quietly.
11. Ventilation and extract systems to be designed and maintained so as to prevent noxious smells causing nuisance to nearby properties.
12. Trade waste agreement to be maintained at all times.
13. Acceptance of accredited proof of age cards such as the Connexions Card and Citizens 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 the bearer.
14. The licensee shall promote 'Challenge 25' or 'Think 25' or any such similar scheme.
15. Clear and legible notices will be prominently displayed showing a message such as "if you appear to be under the age of 25, you will be required to prove you are over 18".
16. Refused sales register to be kept on the premises. This shall include time, date and details of the refusal.
17. A minimum of 3 members of staff be on the premises between 22:00 hours until the premises is closed.
18. A staff training program will be put in place ensuring all staff members know what forms of ID to accept, ensure they know what ID should look like and ensure they record this correctly in the refusals/incident book. This training will be documented and available for inspection immediately upon request by Police or the Licensing Authority.
19. In respect of alcohol sales which take place after 00:00 on Thursday/Saturday, all beers, ciders and ready mixed spirits (i.e. Barcardi Breezers, Smirnoff Ice etc.) to only be sold in plastic bottles.
20. From 22:30 on each day from Monday-Saturday until the premises is closed. Clearly identifiable SIA registered door supervisor shall be on duty at the entrance to the premises.

21. All staff shall be required to wear badge s which should include their full name and title.
22. No alcohol shall be placed on the shop floor other than on the allocated shelving or chillers units or other point of sale promotional display. All other surplus alcohol shall be kept in the storage area.
23. There shall be 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 24. All staff shall receive regular training on their responsibilities under the Licensing Act 2003 and records kept of training and refresher training received
25. Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
26. The Licensee will install and maintain a comprehensive CCTV coverage at the premises. The CCTV system shall conform to the following points:
 - I. Cameras must be sited to observe the entrance and exit doors both inside and outside.
 - II. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises ie capable of identification
 - III. Cameras viewing till areas must capture frames not less than 50% of screen.
 - IV. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - V. Be capable of visually confirming the nature of the crime committed.
 - VI. Provide a linked record of the date, time and place of any image.
 - VII. Provide good quality images - colour during opening times.
 - VIII. Operate under existing light levels within and outside the premises.
 - IX. Have the recording device located in a secure area or locked cabinet.
 - X. Have a monitor to review images and record picture quality.
 - XI. Be regularly maintained to ensure continuous quality of image capture retention.
 - XII. Have signage displayed in the customer area to advise that CCTV is in operation.
 - XIII. Digital images must be kept for 31 days.
 - XIV. Police will have access to images at any reasonable time.
 - XV. The equipment must have a suitable export method, eg CD/DVD writer so that the police can make a 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 (ie manufacturer proprietary) 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 the police on request.

Annex 3 - Conditions attached after a hearing by the licensing authority
Not Applicable

APPENDIX C1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

| | |
|----------------------|--|
| NAME OF AUTHORITY | Licensing Authority |
| ADDRESS OF AUTHORITY | Licensing Service 1 Hillman Street London E8 1FB |
| CONTACT NAME | Channing Riviere |
| TELEPHONE NUMBER | 020 8356 4622 |
| E-MAIL ADDRESS | Channing.riviere@hackney.gov.uk |

APPLICATION PREMISES

| | |
|----------------------------|--|
| NAME & ADDRESS OF PREMISES | British Food & Wine Store 329 Old Street Hackney London EC1V 9LE |
| NAME OF APPLICANT | Metropolitan Police |

COMMENTS

I make the following relevant representations in relation to the above application.

- the prevention of crime and disorder X
- public safety X
- the prevention of public nuisance X
- the protection of children from harm X

Representations (which include comments and/or objections) in relation to:

Having reviewed the application the Licensing Authority submit the following comments.

The Police evidence details a lengthy series of failings which have led to this action being taken. These include:

- Sales of alcohol outside of the hours authorised by the premises licence
- Sales of alcohol to persons under the age of 18
- Breaches of conditions attached to the premises licence
- Disorder, ASB and at least one violent incident related to the premises

The premises is located within the Shoreditch SPA is designated as such as the area is known to suffer from problems generated by the cumulative impact of licensed premises in the area. As such, operators of licensed premises in the area should be mindful that their operations do not further contribute to the issues experienced in the area. Whilst cumulative impact is not a ground to revoke a licence, the location of the premises within the Shoreditch SPA further illustrates the negative impact the premises is having on the wider area.

The Police have on numerous occasions brought these very serious matters to the attention of the operator. However, these interventions have not yielded any improvement. The Licensing Authority therefore supports the Police in their application seeking the revocation of the licence due to the persistent failings. It is our view that the availability of alcohol at this site would continue to undermine the licensing objectives and only revocation would allay concerns.

The actions taken by the Police as documented in the application also appear to be in accordance with the Revised guidance issued under section 182 of the Licensing Act 2003 in which Chapter 11.10 states the following.

"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 cooperation."

The above representations are supported by the following evidence and information.

The Licensing Act 2003, Statement of Licensing Policy 2016 and Guidance issued by the Home Office. The application from the Police.

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Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

| |
|-----|
| N/A |
|-----|

Name: Channing Riviere (Principal Licensing Officer)

Date: 19/01/2022



Sanaria Hussain <sanaria.hussain@hackney.gov.uk>

British Express MG11 for Licencing Representation

1 message

Chris OConnor <chris.oconnor@hackney.gov.uk>
To: Sanaria Hussain <sanaria.hussain@hackney.gov.uk>
Cc: David Tuitt <david.tuitt@hackney.gov.uk>

19 January 2022 at 18:01

APPENDIX C2

Hi Sanaria,

I've attached an MG11 detailing two incidents relating to British Express. I have gone through their licence but it's very hard to link either of these incidents to specific breaches. The only possible option here would be to look at clause 25 - "All incidents of a criminal nature which may occur on the premises will be reported to the police". I don't know if they reported either incident but I would have my doubts. Hopefully it is still useful to document the crime, disorder and ongoing ASB that is linked to this premises.

Let me know if there is anything further I can assist with regarding this, I am conscious the deadline is today for submitting these.

Kind Regards

Chris O'Connor
Enforcement Team Leader
Community Safety, Business Regulation, and Enforcement
Public Realm
Hackney Council
Hackney Service Centre

chris.oconnor@hackney.gov.uk
www.hackney.gov.uk



Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>

 **MG11 O'CONNOR 19.01.22.pdf**
107K

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Chris O'CONNOR

Age if under 18(if over 18 insert 'over 18'): over 18

Occupation: Hackney Enforcement Team Leader

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 19/01/2022

Tick if witness evidence is visually recorded (supply witness details on rear)

Signature:

Date:

Tick box if required

This statement refers to two incidences of crime and disorder that I was witness to involving the "BRITISH EXPRESS" convenience store on OLD STREET, EC1V.

At the time of the first incident on SATURDAY 9th OCTOBER 2021 I was working for Parkguard Ltd, on behalf of the London Borough of Hackney to enforce against Anti-Social Behaviour pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014. At approximately 04:20 hours I was in full uniform on patrol in OLD STREET, EC1V with my colleague, Omar IBRAHIM. We noticed a disturbance where people were shouting outside the BRITISH EXPRESS convenience store. We walked in the direction of the store and noticed that a number of males were fighting in the entrance way to the store. Two IC3 black males were stood inside the store by the entrance while a number of other males were trying to strike them with their fists. The door supervisors working inside the premises were stood behind this group trying to stop the males who were fighting from coming any further into the shop. At this time my colleague IBRAHIM shouted loudly to make the groups aware of our presence. One group of approximately 3 males then ran off along OLD STREET in the direction of CITY ROAD.

Statement of: Chris O'CONNOR

Signed:




Date and Time; Statement Completed: 19/01/2022 15:25 HRS

The other group remained inside the BRITISH EXPRESS convenience store. We remained in the doorway to separate both groups. After a period of time the two IC3 males then left the store and there was no further disorder. We spoke to the door supervisor who told us that he was overwhelmed by this group fighting inside the shop. We then left the store and there were no further issues.

On SATURDAY 8th JANUARY 2022 I was working as an Enforcement Team Leader for London Borough of Hackney. At approximately 01:25 hours, I was on foot patrol on OLD STREET, EC1V with my two colleagues EO36 HOLLAND and EO51 OGUNSOLA. I was approached by two males who asked to speak to me. The two males told me that they had been offered drugs inside the BRITISH EXPRESS shop on OLD STREET, EC1V. I asked for more information and one of the males provided a description stating that the male who offered him drugs was an "IC3 MALE WITH DREADLOCKS WEARING BLUE DENIM JEANS". I understood that he used the description of "IC3 MALE" to refer to a black male. He told me that the male has asked him "DO YOU WANT ANY GEAR" which he refused. After telling me this, both males then left the area. I then walked outside the BRITISH EXPRESS shop where I saw a male matching this description standing inside the BRITISH EXPRESS shop, for the remainder of this statement I will refer to this male as "SUSPECT". I then walked to CURTAIN ROAD, EC2A where I brought this to the attention of a number of police officers. The police officers then walked with me to BRITISH EXPRESS but the SUSPECT had left the store. However we identified the SUSPECT on CURTAIN ROAD and confirmed to the police officers that it was the same male that we had seen inside BRITISH EXPRESS that matched the description initially given to us. The police stopped the SUSPECT on RIVINGTON STREET, EC2A. The SUSPECT then became obstructive towards the police and other members of public tried to interfere. At this point I switched on my Body Worn Camera (BWC). With my two colleagues EO36 HOLLAND and EO51 OGUNSOLA, we assisted to stop the other members of public from interfering. We did this by standing between them and the police who were attempting to stop the SUSPECT. The police searched the SUSPECT and found the SUSPECT to be in possession of a bladed article. At this point I switched off my BWC. The SUSPECT was arrested by police and conveyed to custody.

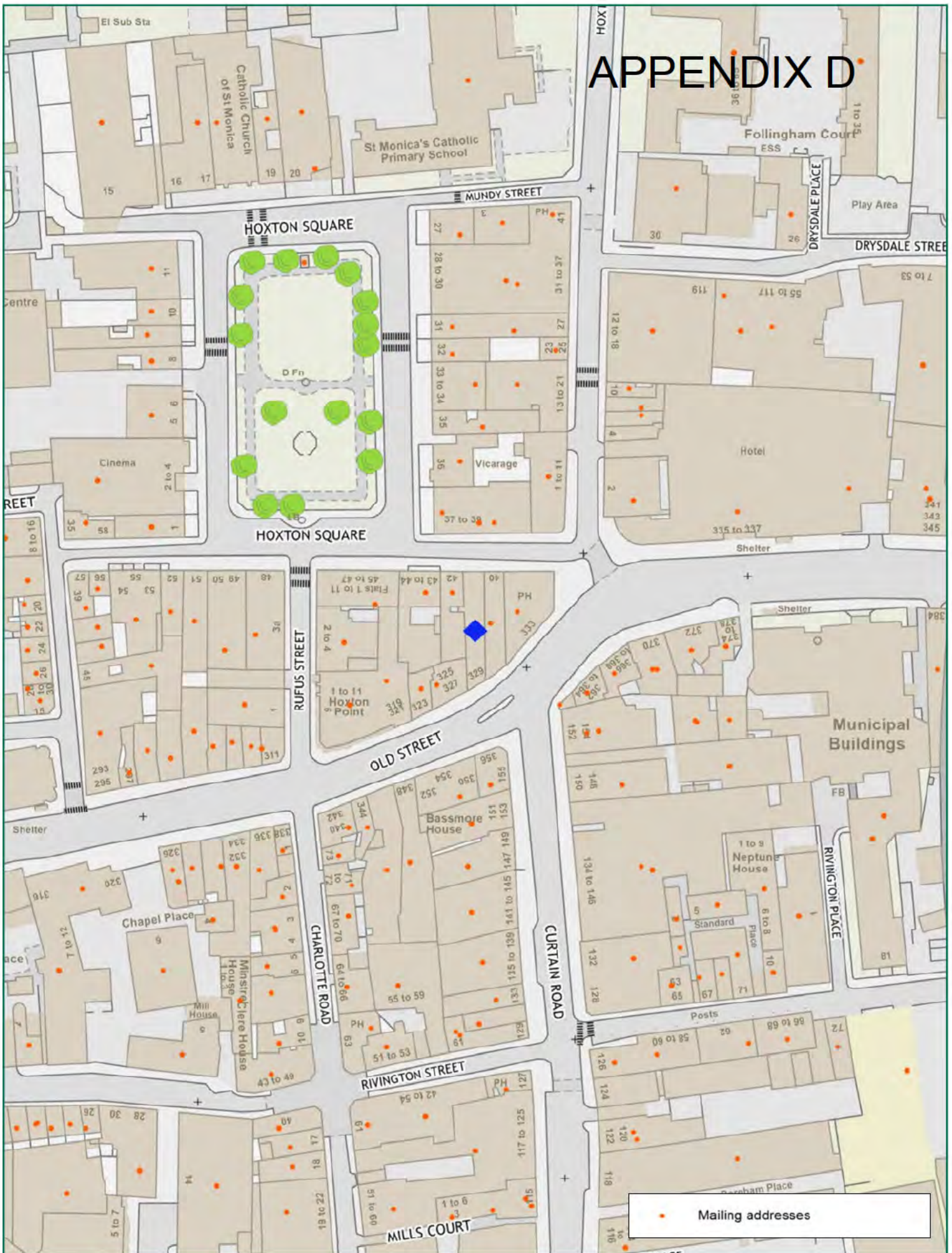
This concludes my statement.

Statement of: Chris O'CONNOR

Signed: 

Date and Time; Statement Completed: 19/01/2022 15:25 HRS

APPENDIX D



Scale: 1:1250 at A4

329 Old Street



Ref:
Tuesday, February 22, 2022

Produced by: unspecified
email:

please specify copyright statement