## London Borough of Hackney – Decisions taken by the Licensing Sub-Committee C on 26th January 2021

Part A – Items considered in public

Agenda No.	Торіс	Decision
5	Application for Review of Premises Licence: Topaloglu Food and Wine,478 Kingsland Road, E8 4AE	The decision of 26 January 2021         The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:         • The prevention of crime and disorder         • Public safety         • Prevention of public nuisance         • The protection of children from harm,         and in particular the prevention of crime and disorder and public safety, the sub-committee made the following decision:

	. To suspend the premises licence for a period of 3 months to take effect at the
	end of the 21 day period allowed for appealing this decision should no appeal be lodged. The 21 day appeal period shall commence one day after receipt of this written decision.
	2. Additional conditions to be applied to the licence:
	<ul> <li>To permanently remove Sajjad Popal as Director of the Company Sherkhan Limited (11465714) and to permanently remove Sajjad Popal as a person with significant control or influence of the company Sherkhan Limited (11465714).</li> </ul>
	<ul> <li>Sajjad Popal will not undertake any activities related to licensable activities or management of the business and shall be excluded from the premises Topologlu Food and Wine, 478 Kingsland Road, London, E8 4AE.</li> </ul>
	<ul> <li>All alcohol shall be removed from display on the premises during the suspension period of 3 months.</li> </ul>
The	Reasons for the Decision:
from reprinect Sajja to si 21 c	Licensing Sub-Committee felt, after carefully considering the application, and hearing the Metropolitan Police Service and the Licensing Authority along with the esentations from the licensee's representative, decided that the appropriate, and essary course of action given the seriousness of the original incident was to remove ad Popal from the operation, management and control of the Licensee's business and uspend the premises licence for a period of 3 months to take effect at the end of the lay period allowed for appealing this decision should no appeal be lodged. The 21 day eal period shall commence one day after receipt of this written decision.
	sub-committee, having considered the representations made to it, and continued to our grave concerns about the licensee's ability to undertake licensed activities at the

premises without undermining the licensing objectives as long as Mr. Sajjad Popal remains involved in the licensee's business. Given (a) the seriousness of the original, violent incident that took place on 12 May 2020 (when Sajjad Popal was the Designated Premises Supervisor and in which he took an active part), which was unacceptable in itself, and gave rise to the original review of the premises licence on 17 June 2020, and (b) a series of failed test purchases of alcohol that took place during the suspension of the licence ordered, following the original review (during which suspension, Sajjad Popal was the Designated Premises Supervisor), the sub-committee considered that any continued involvement by Sajjad Popal in the business would carry an unacceptably high risk of undermining the licensing objectives.
In this context, the sub-committee considered a position statement presented to the sub-committee by the licensee, as having been agreed with the Metropolitan Police Service and the Licensing Authority (the " <b>Position Statement</b> ").
The first two proposed conditions concerned the permanent removal of Sajjad Popal from any involvement in the management, operation or control (through ownership) of the licensee and its business. Those conditions also required Sajjad Popal to be completely excluded from the premises. In light of the concerns described above, those conditions were accepted by the sub-committee.
However, in the Position Statement, the licensee also proposed that the premises licence be suspended for one month. It was the sub-committee's view that such a four-week suspension would not be appropriate, and that the premises licence should be suspended for a period of 3 months to take effect at the end of the 21 day period allowed for appealing this decision should no appeal be lodged. The 21 day appeal period shall commence one day after receipt of this written decision.
The sub-committee took into consideration a series of failed test purchases, carried out by the Metropolitan Police Service on the following dates: 24.07.20, 01.08.20. 07.08.20, 04.09.20, 11.09.20, 19.09.20, and 25.09.20, during a period when it was clear that the

premises licence was suspended, and alcohol should not have been on display or sold at the premises. So, it was clear to the sub-committee that the 3-month period of suspension ordered on 17 June 2020 had not been complied with. It would be inappropriate and incoherent to impose a shorter suspension for a failure to comply with a 3-month suspension.
Further, the sub-committee noted that, at the date of the review hearing, Sajjad Popal was shown on the Registrar of Companies' website as being a director, majority shareholder and "person with significant control" in relation to the licensee. A 3-month suspension would give the licensee and the Registrar of Companies sufficient time to remove Sajjad Popal from any involvement in the licensee's business and to be able to demonstrate compliance with the terms of this decision requiring that removal (by the relevant changes being shown on the Registrar of Companies' website).
The sub-committee noted, with regret, that since the last review on 17 June 2020 there was no apparent change in the conduct of the operation and management of the premises, under Sajjad Popal's direction. The sub-committee also noted that Sajjad Popal was the Designated Premises Supervisor throughout July, August and September 2020, when the licensee continued to sell alcoholic drinks despite its licence having been suspended.
The licensee, under Sajjad Popal's management, failed to recognise the importance of upholding the licensing objectives and of complying with the decision of the Licensing Sub-Committee dated 17 June 2020. In fact, under Sajjad Popal's direction, the licensee appeared to regard the suspension of its licence as optional and, as such, it continued to undermine the licensing objectives and the Licensing Authority's ability to promote them.
The Licensing Sub-Committee considered the Licensing Authority's representations confirmed that Sajjad Popal failed to engage with the Licensing Authority following a failed test purchase and the issue of a closure notice on the premises on 25 September 2020. The Licensing Authority had explained to staff the reason for which the closure notice was

issued. It was also noted that on 26 September 2020 the Metropolitan Police Service attended the premises, and found that alcohol was still on display for sale following the issue of the closure notice and Sajjad Popal as the Designated Premises Supervisor made no attempt to contact the Licensing Authority.
The Sub-Committee was satisfied that Sajjad Popal's removal from the business would be marginally more likely than not to address its concerns about the licensee's operation of the premises for licensed activities undermining the licensing objectives.
The sub-committee also considered carefully whether the contempt shown by the licensee by continuing to sell alcoholic drinks during the period when its licence had been suspended (combined with the seriousness of the incident of 12 May 2020 at which offensive weapons were shown to have been stored on the premises and were taken from the premises to threaten and – it seems – attack a person) warranted a complete revocation of the licence. Ultimately, the sub-committee was satisfied that the removal of Sajjad Popal from the business and the premises and a reinstatement of the original 3-month suspension would protect the community by promoting the licensing objectives.
Should further public disturbance be caused by the Licensee's operation of the premises for licensed activity, the Licensing Authority should not hesitate to revoke the premises licence permanently.