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LICENSING COMMITTEE

Date: Friday, 24 January 2025

Time: 10.00am,

Location: Council Chamber - Daneshill House

Contact: Alex Marsh (01438) 242587

Committees@stevenage.gov.uk

Members: Councillors: E Plater (Chair), S Barr (Vice-Chair), M Arceno, R Boyle, P Clark, A Elekolusi, A Gordon, C Houlihan, M Humberstone, L Martin-Haugh, C Parris, A Wells, T Wren and S Booth

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 19 DECEMBER 2024

To approve as a correct record the Minutes of the previous meeting of the Committee held on 19 DECEMBER 2024.

3 – 10

3. LICENSING HEARINGS - PROCEDURE

To note the procedure for the hearing of licensing applications and reviews.

11 – 12

4. APPLICATION TO VARY DPS ON PREMISES LICENCE - OVAL WINES, 9 THE OVAL, STEVENAGE, SG1 5RA

To determine an application to vary the DPS on the premises licence for Oval Wines, 9 The Oval, Stevenage, SG1 5RA.

13 – 72

5. URGENT PART I BUSINESS

To consider any Part I business accepted by the Chair as urgent.

6. EXCLUSION OF PRESS AND PUBLIC

To consider the following motions –

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt

information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

7. URGENT PART II BUSINESS

To consider any Part II Business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

LICENSING COMMITTEE MINUTES

Date: Thursday, 19 December 2024

Time: 10.00am

Place: Council Chamber, Daneshill House

Present: Councillors: Ellie Plater CC (Chair), Sandra Barr (Vice-Chair), Peter Clark, Alistair Gordon and Tom Wren

Start / End Time: Start Time: 10.00am
End Time: 1.08pm

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Myla Arceno, Robert Boyle, Stephen Booth, Akin Elekolusi, Coleen Houlihan, Mason Humberstone, Lin Martin-Haugh, Claire Parris and Anne Wells.

There were no declarations of interest.

2 **MINUTES - 28 MARCH 2024**

It was **RESOLVED** that the Minutes of the meeting of the Licensing Committee held on 28 March 2024 be agreed as a correct record and signed by the Chair.

3 **TERMS OF REFERENCE**

It was **RESOLVED** that the Terms of Reference be noted.

4 **PREMISES LICENCE REVIEW HEARINGS - PROCEDURE**

All parties noted the procedure for the Hearing which had been circulated with the agenda.

5 **APPLICATION TO REVIEW A PREMISES LICENCE - OVAL WINES, 9 THE OVAL, STEVENAGE, SG1 5RA**

The Committee considered an application for a review of the premises licence for Oval Wines, 9 The Oval, Stevenage, SG1 5RA made by Senior Licensing Officer Gill Ackroyd of Hertfordshire Constabulary.

The Council's Licensing Officer presented a report to the Committee outlining the facts of the application. The Licensing Officer advised that the grounds for the review

brought by the Police fell under all four of the Licensing Objectives, prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.

The application for review was accepted as valid and duly made by the Council on 29th October 2024.

Representations had been made by Hertfordshire Trading Standards, as a Responsible Authority, in support of the review application, based on the discovery on the premises of illegal tobacco products and a prescription-only medication.

No representations were made by other responsible authorities or by members of the public.

The Chair invited all parties to ask questions to the Licensing Officer regarding their report. There were none.

The Chair then invited the Police to state their case.

The Police representatives spoke to the basis of their application for review of the licence. They spoke of incidents connected with the premises and said that they had serious concerns about the management of the premises.

On 3 October 2024 Police had been present when illegal items had been seized. These were illegal tobacco products and cigarettes. A Viagra-type jelly was found in the shop which could only be sold with a prescription. There were items of drugs paraphernalia (a grinder and small bags). £4,000 in cash was found in a bag and was seized. No explanation had been offered for the presence of the cash.

Drugs wipes were used on the visit, which showed strong indications of cocaine use in the toilet, sink and kitchen area, as well as on both sides of the customer counter. However, no drugs were found on the premises.

The License Holder had failed to produce CCTV footage in breach of licence conditions. The request for CCTV footage was made in the light of a very serious incident on 30 August 2024 involving gang violence in the vicinity of the premises. CCTV footage was requested on a subsequent visit to the shop on 3 October 2024 but, again, was not available.

It was a licence condition that the Designated Premises Supervisor, Mr Polat, should be readily available but attempts by the Police to contact him had failed.

The Police were concerned that the "Oval Gang" was using the shop as a base and was dealing drugs either within the shop or in its close vicinity.

The Police believed that the Licence Holder supported customers against the Police and did not co-operate in supporting Police efforts to tackle crime and disorder in the area. On one occasion, gang members escaped through the shop. The Licence Holder had not contacted the Police to alert them to the incident on 30 August despite being present and did not volunteer witness information.

The Police showed CCTV footage of the incident on 30 August 2024. This showed a clash between members of rival gangs, some of whom were seen carrying machetes and knives. A group was shown congregating outside the premises in the lead-up to the incident. The Police believed that those involved had links to "County Lines" drug dealing operations.

The Chair invited the other parties to ask questions to the Police.

In response to questions from the Licence Holder and his representative, the Police confirmed that no drugs or weapons had been found on the premises and that they had not seen drug dealing taking place on the premises. The Police mentioned the absence of CCTV footage from the premises. The Licence Holder's representative asked the Police why they had not arrested Mr Oruc. The Police said that they did not have evidence to support arrest and clarified that they were not suggesting that Mr Oruc was drug dealing.

The Chair then invited Trading Standards to state their case.

Hertfordshire County Council's Trading Standards representative said that one of the Department's roles was to deal with the sale of illegal tobacco. She had attended Oval Wines on two occasions and had seized illegal tobacco on both. She said that it was clear that the tobacco did not comply with packaging regulations which were compulsory for tobacco sold in the UK. It was illegal to sell tobacco which was non-compliant and duty would not have been paid on such tobacco.

It was possible that the tobacco was counterfeit and had been sent for tests. However, the results were not yet available. The representative said that the storage of the tobacco was suspicious, as it was concealed in drink pallets from which cans had been removed and was kept separate from legitimate tobacco which was on sale.

They explained the problems caused by illegal tobacco sales. Counterfeit tobacco infringed intellectual property rights and was often linked to other sorts of criminality such as money laundering and modern slavery. Not complying with packaging requirements undermined the health approach to the sale of tobacco, avoiding the health messages required by law. The non-payment of duty was also serious, as it deprived the Exchequer of revenue and allowed tobacco to be sold more cheaply, making it more attractive to children.

In addition to illegal tobacco, the inspections uncovered the concealed presence of five packets of "Kamagra Oral Jelly" which was believed to contain the same active ingredient as Viagra, which was a prescription-only medicine, and which could not lawfully be sold from the shop.

The Chair invited the other parties to ask questions of Trading Standards. There were none.

The Chair then invited the Licence Holder to state their case.

The Licence Holder, Mr Oruc, and his representative, Mr Hopkins, addressed the Committee. They had submitted a list of additional licence conditions which Mr Oruc would be happy to accept to address the issues raised by the review.

They placed much of the responsibility for issues with the premises on the failings of the Designated Premises Supervisor, Mr Polat. Mr Polat had recently been dismissed and Mr Oruc would personally take on the responsibilities of the DPS.

They stated that Mr Oruc had not worked for the previous owner and had no contact with him and had come to the premises with a clean record.

Mr Oruc's representative criticised the existing licence conditions, saying that they were out of date and the CCTV conditions were "sparse".

The Committee heard that the CCTV was now working satisfactorily. Initially, the hard disk for the system was too small to store CCTV images for the time period required by the licence. This was why the images were not available on the first visit by the Police. Mr Oruc was not aware of the small size of the hard drive and had subsequently replaced it. A failure by his CCTV provider in setting the system was responsible for the absence of images on the second visit.

The presence of illegal products was not disputed but Mr Oruc was unaware of this. The sales had been the responsibility of two members of staff who had been making sales "under the counter". They had since been dismissed. A proposed condition requiring the retention of receipts for tobacco and alcohol products would address the problem.

The £4,000 cash found on the premises had belonged to another member of staff, who had stored it there as it was a safer place to store the cash than the member of staff's shared accommodation.

Mr Oruc was as surprised as the Police about the positive results when the premises were swabbed for drug residue. He thought it was possible that staff may have used drugs in the toilets but he did not understand the results for the shop counter.

Mr Oruc, for the future, was happy not to sell drugs paraphernalia but pointed out that their sale was not unlawful and that the items found were sold in lots of shops. He stated this did not make him a drug dealer.

There was no evidence of weapons on the premises and it was not illegal for young people to visit the premises. However, Mr Oruc was happy for a condition to limit the number of under-18s in the shop to two at a time.

Mr Oruc had no links to the gang. He had no power to stop them congregating outside his shop. He was not acquainted with the alleged gang members. He did not know names but recognised some faces. He said that local traders had massive problems and had complained many times. They didn't call police to incidents as they were fearful. Mr Oruc did not want to be perceived as a "snitch". The Police suggestion that he was linked to drug dealing put him at risk as drug dealers might mistakenly think he was a rival. He said that there was no CCTV evidence of drug

sales to 11-year-olds. Tackling criminality by gangs was the responsibility of the Police, not him. Mr Oruc would welcome a much greater Police presence, including immediately outside his premises.

The Chair invited other parties to ask questions of the Licence Holder.

Mr Oruc was questioned by Police representatives at the hearing regarding CCTV footage of the incident on 30 August 2024. It had become apparent shortly before the hearing that Mr Oruc was visible in the CCTV footage obtained from other sources. He was asked why he had not identified himself as a witness when the Police had requested CCTV footage from him. Mr Oruc said that he had not been asked to make a statement. The Police said that, as Mr Oruc had not said that he was present, they had not known that he was a witness. Mr Oruc said that he didn't want to get involved with Police or gang matters.

Further questions sought to clarify issues around CCTV, the drugs residue found and whether Mr Oruc felt intimidated by the gang presence. Mr Oruc was afraid of being "labelled" by the gang but would welcome uniformed Police presence.

Councillor Barr asked Mr Oruc why he had not called the Police when he became aware of unlawful activities by members of staff. Mr Oruc's representative said that he had not wished to involve the Police.

Cllr Wren asked about the CCTV incident involving the machetes. Mr Oruc said that he had seen a machete and that his main objective was to get everyone away from his business. This explained the apparent gesturing to gang members. People had run into his shop and he had opened the rear door as he wanted to get them out. He did not want a physical confrontation. Mr Hopkins said that the installation of an electronic lock on the front door, along with a "two at a time" rule would tackle issues in the future. Mr Oruc said that he was completely happy to work with the Police.

Cllr Clark clarified how long Mr Oruc had been responsible for the premises and asked whether there had been other incidents. Mr Oruc said that there had been only minor incidents and confirmed that these had been recorded in the incident book.

The Chair invited all parties to sum up.

The Police referred to a meeting with Mr Oruc on 19 April 2023, notes of which were appended to the Licensing Committee report at page 39. (Item B1.) At the meeting Mr Oruc had seemed knowledgeable about licensing issues. At the meeting, the Police had offered help with issues of anti-social behaviour.

Mr Hopkins, for Mr Oruc, stated that they had said what they wanted to say. Mr Oruc deplored the sale of illegal tobacco and other unlawful activities. He had proposed an extensive list of additional conditions and asked that Mr Oruc be given another chance.

It was **RESOLVED** that the premises licence in respect of the premises should be revoked.

REASON FOR DECISION

The Committee took careful account of all the material before it, including representations made by the Licensee.

The Committee also took account of the statutory guidance published under section 182 of the Licensing Act 2003. Of particular relevance was the guidance from paragraph 11.24 on “reviews arising in connection with crime.

The Committee was guided by paragraph 11.26, which stated:
Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Mr Oruc had not disputed incidents of illegality on the premises but denied personal responsibility. Whilst the Committee’s view was that Mr Oruc had done little, if anything, to tackle illegality, the guidance makes it clear that personal culpability is not the issue.

Paragraph 11.27 said that there is “certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”. These included the use of licences premises “for the sale or storage of smuggled tobacco and alcohol”. It was not clear whether the illegal tobacco found at the premises was smuggled or counterfeit but in either case the Committee decided to treat this particularly seriously.

Paragraph 11.27 also referred to the use of licensed premises “as the base for the organisation of criminal activity, particularly by gangs”. The Committee accepted that the premises were a focus for gangs meeting in the vicinity, it did not find that the premises were used by gangs for the organisation of criminal activity. However, there was evidence of the premises being used for criminal activity, including the seizure of illicit tobacco and prescription-only medication, the significant amount of cash and the extensive cocaine residues found.

The breaches of the licence conditions relating to CCTV and the availability of the Designated Premises Supervisor were the personal responsibility of the licence holder, who could not avoid responsibility merely by saying that they were caused by members of staff. Similarly, the Licensee was responsible for ensuring that the premises were not used for unlawful purposes.

The Committee concluded that the incidents referred to above meant that the operation of the premises did not promote, and were to the detriment, of the

licensing objectives:

The prevention of crime and disorder

The premises failed to promote this objective as a result of the incidents of breaches of licence including the failure to record CCTV properly and to ensure that the Designated Premises Supervisor was available.

The premises also failed to promote this objective as a result of multiple instances of illegality in the use of the premises, including the discovery of cocaine residue, and the finding of illegal tobacco products and prescription-only medication.

The licence holder failed to engage proactively with the Police in tackling issues of illegality and anti-social behaviour.

Whilst not in itself unlawful, the sale of drugs paraphernalia from the shop was not helpful in promoting this objective in a location which had clear problems with drug use and drug dealing.

Public Safety

The premises failed to promote this objective by acting as a base for a local gang to congregate. The gang was associated with illegal activities and anti-social behaviour. The incident of 30 August 2024 involving the use of machetes, and the use of the premises as an escape route, was particularly serious.

The storage of illicit tobacco and prescription-only medication also posed a risk to public safety as did the use of the premises for the consumption of illegal drugs.

Prevention of Public Nuisance

The focus of the premises as an area for congregation by a local gang contributed to public nuisance in the area, as illustrated by the CCTV footage from 30 August 2024.

The Committee also decided that the absence of pro-active engagement by the Licence Holder with the Police in tackling anti-social behaviour and illegality – in fact his admitted avoidance of engagement – was detrimental to the promotion of this activity.

Protection of Children from Harm

The premises were accessible to children and the use of the premises for illegal drug use could place children at risk.

The premises acted as a focus for the congregation of gang members in the vicinity. Some, if not all, of the gang members were young persons. The focus given by the premises to gang congregation was detrimental to this objective.

The Committee decided that action beyond words of advice or a warning was called for. The premises were linked to serious illegality, breach of licence conditions and anti-social behaviour. The Committee therefore considered the other options available to it. These were:

- To modify the conditions of the licence.
The Committee considered carefully the additional conditions proposed on behalf of Mr Oruc. However, it was clear that Mr Oruc was in significant breach of licence conditions and had, by his own account, exercised little effective management of the premises since becoming the licence holder. The Committee therefore had no confidence that the imposition of additional licence conditions would be an effective step in ensuring the proper promotion of the licensing objectives.
- To exclude a licensable activity from the licence.
The Committee did not consider that this was a relevant option, given the limited scope of licensable activities covered by the licence.
- To remove the designated premises supervisor.
The Committee concluded that this would not address the issues that had given rise to the review. In any case, the licence holder was proposing to become the designated premises supervisor and the Committee had little confidence in him exercising a satisfactory supervisory role.
- To suspend the licence for a period not exceeding three months.
The Committee concluded that suspension would not adequately address the issues leading to the request for a review. There was nothing to suggest that suspension would be adequate in ensuring that the licensing objectives were met.
- To revoke the licence.
The Committee concluded that this was the appropriate option, given the severity of the issues raised in this review, and taking account of the statutory guidance.

The Premises Licence Holder would be reminded in the decision letter sent to them that there was a right of appeal to the Magistrates Court against the above decision. Such an appeal would need to be submitted to the Magistrates Court within 21 days of receipt of the Committee's decision letter.

6 **URGENT PART I BUSINESS**

There was no Urgent Part I Business.

7 **EXCLUSION OF PUBLIC AND PRESS**

Not required.

8 **URGENT PART II BUSINESS**

There was no Urgent Part II Business.

CHAIR

STEVENAGE BOROUGH COUNCIL

LICENSING COMMITTEE

HEARING OF LICENCE APPLICATIONS – PROCEDURE

The Committee will apply the following procedure when considering Liquor Licence applications and Review applications to ensure adherence to the rules of natural justice.

1. The Chair will introduce himself/herself and invite the other Committee Members, the Licensing Officer(s), Legal Advisor, Committee Administrator, Responsible Authority representatives, interested parties and the Premises Licence Holder and any representative to introduce themselves.
2. The Licensing Officer will outline the reason for the hearing and report on the facts of the case. Members of the Committee, the Responsible Authority representatives, those who had submitted representations, and Premises Licence Holder (and/or representative) may ask questions of the Licensing Officer.
3. The Responsible Authority representatives may then state their case, calling any witnesses.
4. With the Chair's permission, Members of the Committee and the Premises Licence Holder (and/or representative) may then ask questions of the Responsible Authority representatives.
5. Those who have submitted representations may then state their case, calling any witnesses.
6. With the Chair's permission, Members of the Committee and the Premises Licence Holder (and/or representative) may then ask questions of those who have submitted representations.
7. The Premises Licence Holder (and/or representative) will state their case, calling any witnesses they wish.
8. With the Chair's permission, Members of the Committee, Responsible Authority Representatives and those who have submitted representations may then ask questions of the Premises Licence Holder (and/or representative).
9. The Responsible Authority representatives are then invited to sum up.
10. Those who have submitted representations are then invited to sum up.
11. The Premises Licence Holder (and/or representative) is then invited to sum up.
12. The Committee will retire to consider the matter and make its decision.
13. At the conclusion of its deliberations, the Committee will EITHER return to the meeting to deliver its decision OR inform all parties of its decision in writing as soon as possible after the meeting. In either event, reasons will be given for the Committee's decision.

NOTES:

- (1) EACH PARTY WILL BE AFFORDED A REASONABLE AMOUNT OF TIME TO PRESENT THEIR CASE.**
- (2) ALL PARTIES MAY ASK FOR CLARIFICATION OF ANY POINT AT ANY TIME IN THE PROCEEDINGS.**
- (3) THE COMMITTEE ADMINISTRATOR AND COUNCIL'S SOLICITOR WILL BE PRESENT THROUGHOUT THE MEETING AND MAY ASK QUESTIONS AT ANY TIME TO ASSIST THE COMMITTEE.**

Part 1 – Release to Press



Agenda item:

Meeting Licensing Committee

Portfolio Area Communities, Community Safety and Equalities

Date 24th January 2025

APPLICATION TO VARY THE SPECIFIED DESIGNATED PREMISES SUPERVISOR OF THE OVAL WINES, 9 THE OVAL, STEVENAGE, SG1 1HF

Authors Mary O'Sullivan | Ext. 2724

Lead Officers Julie Dwan | Ext. 2493

Contact Officer Mary O'Sullivan | Ext. 2724

1 PURPOSE

1.1 To determine an application for the Variation of Specified Designated Premises Supervisor at The Oval Wines, 9 The Oval, Stevenage, SG1 1HF. Senior Licensing Officer Gillian Akroyd, on behalf of Hertfordshire Constabulary, has made representations.

2 RECOMMENDATIONS

2.1 That the Committee reviews the evidence presented by the responsible authority and the applicant. The licensing authority must restrict its consideration to the issue of crime and disorder and if it considers it necessary reject the application for this variation, or make the variation.

3 SUMMARY OF APPLICATION

3.1 The current premises licence holder of The Oval Wines 9 The Oval, Stevenage SG1 1HF, Mr Emrah Oruc, submitted through a licensing agent,

an application to vary the Designated Premises Supervisor with immediate effect, from Polat Hasan to Emrah Oruc on 17th December 2024. **A copy of the application is attached at Appendix A.**

- 3.2 On 23rd December 2024 Senior Licensing Officer (SLO) Gillian Akroyd submitted a representation to this application stating that Mr E Oruc as being the new proposed DPS would undermine the crime prevention objective Section 37 (5) Licensing Act 2003. **A copy of the Police Objection notice is attached at Appendix B**
- 3.3 This application to vary the DPS was accepted as valid and duly made by the Council on 19th December 2024.

4 BACKGROUND INFORMATION

- 4.1 The Oval Wines is located in the shopping precinct at The Oval, Stevenage. It has a premises licence in place which authorises the sale of alcohol for consumption off the premises, Monday to Sunday between the hours of 07:00hrs and 23:00hrs. A copy of the Premises Licence is attached at Appendix C
- 4.2 The Police applied to the council for the review of the Prem Licence for The Oval Wines on 25th October 2025 for failing to promote all four of the licence objectives. The application for review was heard by the licensing committee on 19th December 2024. The decision of the committee was to revoke the premises licence in its entirety. **A copy of the decision notice is attached at Appendix C**
- 4.3 The committee during the review of the Premises licence accepted that there was evidence of multiple incidents of breeches of licence including supply/sales of illegal/illicit products, evidence of drugs paraphernalia and residue of cocaine in various public and private areas of the premises.
- 4.4 The premises have failed to observe their licensing conditions attached to the Premises Licence for The Oval Wines, predominantly Annex 2 Condition 1 which refers to the requirement for a digital CCTV system recording images which will be retained in an unedited form for up to 30 days and which shall be made available to any responsible authority upon request, however on multiple occasions when Police have requested CCTV footage it has been unavailable. The Designated Premises Supervisor has also failed to make himself available to Police.
- 4.5 Trading Standards officers have recently seized illegal items from these premises. On two occasions Trading Standards Officer recovered illegal products from The Oval Wines including tobacco pouches, a number of cartons of cigarettes and a number of Viagra jellies, which can only be obtained following a consultation with a pharmacist.
- 4.6 The proposed DPS and Premises Licence holder Mr Oruc identified himself on CCTV footage as being present and gesturing known gang members who had been seen armed with machetes and knives however, he had not previously identified himself as being a witness when Police had approached

him at the premises requesting CCTV footage as per the conditions of the premises licence nor did he call the Police at the time of the incident.

- 4.7 The application for the review of the premises licence was heard by the licensing committee on 19th December 2024. The decision of the committee was to revoke the premises licence in its entirety. Notes and matters of fact relating to the hearing can be found in the decision notice.

5 RESPONSIBLE AUTHORITIES

- 5.1 Representations to vary the Designated Premises Supervisor can only be made by the Police, who may object to the designation of the new DPS where in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.

6 IMPLICATIONS

6.1 Financial Implications

There are no financial or resource implications arising from the content of this report.

6.2 Legal Implications

- 6.2.1 The Committee is advised that paragraphs 4.69 - 4.71 of Section 182 Guidance for the Licensing Act 2003 describe the powers of a Licensing Authority on the determination of an application the decision of the committee is subject to appeal at Magistrates Court.
- 6.2.2 The committee under Section 39 (89) Licensing Act 2003, must if it considers necessary, reject the application.
- 6.2.3 The committee must under Section 39 (90) notify the applicant, police and new DPS and must give reasons for its decision.

6.3 Policy Implications

There are no policy implications.

6.4 Equalities and Diversity Implications

- 6.4.1 Any decision by the Committee is based on evidence before it at the meeting; there are no equalities and diversity implications.

7 BACKGROUND DOCUMENTS

- BD1** Licensing Act 2003 (Section 39 Determination of Section 37 Application)
BD2 Guidance issued under section 182 of the Licensing Act 2003

8 APPENDICES

- A Application to vary Designated Premises Supervisor
- B Police Objection to Variation of Designated Premises Supervisor
- C Decision Notice – Revocation of Premises Licences
- D Current Premises Licence and Plan

Appendix A
Application to Vary Designated Premises Supervisor
The Oval Wines, 9 The Oval, Stevenage

1. 0
2. 0
3. 0
4. 0

* required information

Section 1 of 4

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	68
Street	Stoke Newington High Street
District	Hackney
City or town	London
County or administrative area	
Postcode	N16 7PA
Country	United Kingdom

Section 2 of 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Address

* Building number or name	9 The Oval
* Street	Vardon Road
District	Stevenage
* City or town	Hertfordshire
County or administrative area	
Postcode	SG1 5RA
* Country	United Kingdom

Contact Details

E-mail	Eoruc234@gmail.Com
Telephone number	07507152047
Other telephone number	

Describe the premises. For example, what type of premises it is

Food Store and Off Licence

Continued from previous page...

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name

* Family name

* Nationality

* Place of birth

* Date of birth

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name

Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

Yes No

I will notify the existing premises supervisor (if any) of this application

* Will the premises licence or relevant part of it be submitted with this application?

Yes No

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this variation

Reference number for consent form (if known)

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'

Section 4 of 4

PAYMENT DETAILS

Continued from previous page...

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Full name

Capacity

* Date / /
dd mm yyyy

OFFICE USE ONLY

Applicant reference number	<input type="text" value="The Oval"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 Next >

Consent of individual to being specified as premises supervisor

I **Mr Emrah Oruc** of [redacted] [home address of prospective premises supervisor]
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the
application for **VARY DPS** [type of application] **by MR Emrah ORUC** [name of applicant] relating to a
Premises Licence **SBCL0167** [number of existing licence, if any]
for **The Wines, 9 The Oval, STEVENAGE SG1 5RA** [name and address of premises to which the application relates]
and any premises licence to be granted or varied in respect of this application made by **MR Emrah ORUC**
[name of applicant] concerning the supply of alcohol at **The Wines, 9 The Oval, STEVENAGE SG1 5RA**
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or
currently hold a personal licence, details of which I set out below.

Personal licence number **PERS/2023/0476**
[insert personal licence number, if any]

Personal licence issuing authority **L.B. of HACKNEY**
[insert name and address and telephone number of
personal licence issuing authority, if any]

Signed 

Full Name **MR Emrah Oruc**

Date **17/12/2024**

[REDACTED]

Section 1 of 4

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

Note: completing the Applicant Business section is optional in this form.

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	68
Street	Stoke Newington High Street
District	Hackney
City or town	London
County or administrative area	
Postcode	N16 7PA
Country	United Kingdom

Section 2 of 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Address

* Building number or name	9 The Oval
* Street	Vardon Road
District	Stevenage
* City or town	Hertfordshire
County or administrative area	
Postcode	SG1 5RA
* Country	United Kingdom

Contact Details

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

Describe the premises. For example, what type of premises it is

Food Store and Off Licence

Continued from previous page...

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name
* Family name
* Nationality
* Place of birth
* Date of birth

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name
Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?
 Yes No

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

I will notify the existing premises supervisor (if any) of this application

It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

* Will the premises licence or relevant part of it be submitted with this application?
 Yes No

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor
 As an attachment to this variation

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'

Section 4 of 4

PAYMENT DETAILS

Continued from previous page...

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Signature Of Applicant Or Applicant's Solicitor

* Full name

* Capacity

Date (dd/mm/yyyy)

Joint Applicants, Signature Of Second Applicant Or Second Applicants Solicitor

* Full name

* Capacity

Date (dd/mm/yyyy)

Remove this signatory

Add another signatory

Appendix B

Police Objection to Variation of Designated Premises Supervisor

The Oval Wines, 9 The Oval, Stevenage



Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
Stevenage Borough Council LICENSING AUTHORITY

Responsible Authority: Hertfordshire Constabulary

Your Name	Gillian Akroyd
Job Title	Senior Licensing Officer
Postal address	Stevenage Police Station Lytton Way Stevenage Herts, SG1 1HF
Email Address	Gillian.akroyd@herts.police.uk
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Oval Wines, application to vary DPS	
Address of the premises you are making a representation about	9 THE OVAL, VARDON ROAD STEVENAGE HERTFORDSHIRE SG1 5RA	
Is this the first objection in respect of these premises	No	Police applied for review of Oval Wines Premises licence on 29 th October, 2024. The licence was revoked at a Licensing Hearing at SBC on 19 th December, 2024. They have been given 21 days right of appeal.

Hertfordshire Constabulary, being a nominated Responsible Authority under the Licensing Act 2003, wish to make representation to this application.

Our representation(s) are made in consideration to the below licensing objectives, as we believe the operating schedule does not adequately demonstrate how you, the applicant will best support this.

Licensing Objections

YES	Yes Or No	Evidence supporting representation or reason for representation. Please use continuation sheet as required
To prevent crime and disorder	YES	<p>The proposed DPS is Premises Licence Holder for Oval Wines. Evidence of multiple incidents of breaches of licence including sales of illegal/illicit products, evidence of drugs paraphernalia and residue of cocaine in various areas of premises.</p> <p>The proposed has been made aware of these breaches, has been warned in writing by SLO Akroyd, and has been viewed on video footage at the scene of crime and disorder.</p> <p>See video footage produced.</p>
Public safety	YES	<p>The proposed DPS has been on scene when: Disruption and violent disorder by customers around the vicinity of Oval Wines, regarding activities, including gang related fights, and believed drug exchanges and dealings, causing distress and alarm to other businesses and their customers .</p>
To prevent public nuisance	YES	<p>Members of the The 'Oval' gang use this as their hub, and constantly frequent the shop and gather in close proximity outside.</p> <p>These males have, and are, causing distress and anti-social behaviour in and around the Oval shopping precinct. Meeting in large numbers as many as 20 to 30 people, smoking and believed to be dealing drugs. Using foul and abusive language, intimidating people visiting the precinct and causing a nuisance to customers and other local businesses. Statement from Policed Sergeant Fathers, NPT, produced.</p> <p>The proposed DPS/owner is aware and there is video footage of him on scene when the gang have entered and exited the premises, during an incident.</p>
To protect children from harm	YES	<p>As there is evidence of drug use in the shop, due to residue being found within that shop, (also there are concerns and gang related ASB), there is no chance of the applicant/ owner, who attends the shop on a daily basis, not to being aware of this..</p> <p>There are various Intelligence reports which refer to drugs and young males attending the premises, some as young as 11 years of age and there is cause for concern. Knife carrying has also been mentioned. Local authority CCTV has shown recently suspects at the Oval in possession of large machetes chasing this group, (many of whom are children), and some have sought refuge in Oval Wines. When requested the licensee and owner/applicant, have been unable to provide footage that shows this incident. This CCTV would be vital in the fight against knife and gang violence.</p> <p>It is also a condition of the premises licence, (Condition 1 of Annex 2) that The Oval Wines have CCTV in place and retain unedited images for up to 30 days and which will be made available to any Responsible Authority on request</p>

No calls to Police were received from the premises at the time of this incident.

The below additions to the Schedule as provided at Part 4 of the application, identifies those matters that we believe are necessary, to promote the licensing objectives.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

Hertfordshire Constabulary is of the view that the proposed DPS will not conform with the licence and have proven, by way of constant breaches to which he will not adhere to it. (See attached notes).

Added to this, the use of these premises for the purpose of selling illegal vapes, tobacco/cigarettes, and the evidence of drugs within the shop, Police do not believe that the proposed DPS/Management of the premises can be trusted to adhere to the four Licensing Objectives.

OTHER CONSIDERATIONS:

Attitude of proposed DPS towards Police Officers and Police staff, on occasions, have been unacceptable.

The owner, and staff are believed to be aware of these incidents and behaviours and do nothing to stop this. The proposed DPS/PLH challenge police in support of the youths, indicating that the youths are not doing anything wrong.

Should you require clarification on any matter being made, please contact the named officer to discuss further.

Signed ...*Gillian Akroyd*.....

Date: ...23/12/2024.....

Note for Officers:

Please submit this form along with any additional sheets to: Licensing at Stevenage Borough Council or email to licensing@stevenage.gov.uk

This form must be returned within the Statutory Period.

Appendix C

Decision Notice – Revocation of Premises Licence

The Oval Wines, 9 The Oval, Stevenage

DECISION NOTICE

LICENSING ACT 2003

REVIEW OF PREMISES LICENCE BY STEVENAGE BOROUGH COUNCIL LICENSING COMMITTEE

PREMISES ADDRESS: The Oval Wines, 9 the Oval, Stevenage. SG1 5RA

LICENCE HOLDER: Emrah Oruc

REVIEW APPLICANT: Hertfordshire Constabulary

DATE OF HEARING: 19 December 2024

DATE OF DECISION NOTICE: 23 December 2024

DECISION: To revoke the premises licence

PRESENT:

- **Councillors**

Ellie Plater (Chair), Sandra Barr, Alistair Gordon, Tom Wren, Peter Clark

Council Officers

Julie Dwan, Mary O'Sullivan Rory Cosgrove - Licensing; Simon Pugh, Legal Advisor; Alex Marsh – Democratic Services;

- **Responsible Authorities**

Police - Gillian Ackroyd (Senior Licensing Officer), Sgt Matt Fathers, Sgt Karen Mellor, PC Courtney Kooistra, PC Steven Hill

Hertfordshire County Council Trading Standards - Elaine Knowles

- **Licence Holder - Oval Wines**

Emrah Oruc – Licence Holder; Graham Hopkins, Linda Potter – Licensing advisers.

BACKGROUND:

1. The Oval Wines is located in the shopping precinct at The Oval, Stevenage. It has a premises licence in place which authorises the sale of alcohol for consumption off the premises, Monday to Sunday between the hours of 07:00hrs and 23:00hrs.

THE APPLICATION

2. An application for a review of the premises licence for The Oval Wines, 9 the Oval, Stevenage. SG1 5RA had been made by Senior Licensing Officer Gill Ackroyd of Hertfordshire Constabulary. Representations have been made by Hertfordshire Trading Standards as a Responsible Authority. No representations were made by other responsible authorities or by members of the public.

3. The basis for the review application is fully set out in the agenda for the Committee meeting. In summary the application for the review cites all four of the licensing objectives and are summarised in the report as follows:

4. The prevention of crime and disorder

4.1. *Evidence of multiple incidents of breaches of licence including supply/sales of illegal/illicit products, evidence of drugs paraphernalia and residue of cocaine in various public and private areas of the premises. Statements from Police Officers and supporting evidence is contained with this review application.*

4.2. *The premises have failed to observe their licensing conditions attached to the Premises Licence for The Oval Wines, predominantly Annex 2 Condition 1 which refers to the requirement for a digital CCTV system recording images which will be retained in an unedited form for up to 30 days and which shall be made available to any responsible authority upon request, however on multiple occasions when Police have requested CCTV footage it has been unavailable. The Designated Premises Supervisor has also failed to make himself available to Police.*

4.3. *Trading Standards officers have recently seized illegal items from these premises. On 3rd October 2024 Trading Standards Officer recovered illegal products from The Oval Wines including tobacco pouches, a number of cartons of cigarettes and a number of Viagra jellies, which can only be obtained following a consultation with a pharmacist. A witness statement and supporting documents from the Senior Trading Standards Officer have been provided by Police and is contained within this review application.*

5. Public Safety

5.1. *The Oval has a gang who are using the shop as their base, and are causing anti-social behaviour, and it is believed that they are dealing drugs from the shop. (See drug wipe results). There is evidence of knife related crime in the vicinity. On a daily basis known drug users, dealers and perceived gang members are both inside or just outside of the shop, and it is believed exchanges are being made and deals are taking place.*

5.2. *Evidence of multiple incidents of breaches of licence include sales of illegal/illicit products, evidence of drug paraphernalia and residue of cocaine in various areas of premises.*

6. The Prevention of Public Nuisance

6.1. *Members of the the 'Oval' gang appear to use Oval Wines as their hub, gathering in close proximity outside. Disruption and violent disorder by customers around the vicinity of Oval Wines, include gang related fights, and believed drug exchanges and dealings, causing distress and alarm to other businesses and their customers.*

7. Protection of children from Harm/ Prevention of Public Nuisance

7.1. *There was evidence throughout The Oval Wines off licence of drug use with the Police drugs wipes highlighting cocaine residue. There are various Intelligence reports which refer to drugs and young males attending the premises, (some as young as 11 years of age) which is a cause for concern. Knife carrying has been mentioned, CCTV shows suspects at The Oval were in possession of large machetes who were seen chasing a group of young people/children, some of whom sought refuge in The Oval Wines. No calls were made to Police regarding this incident from The Oval Wines at the time of the incident and CCTV was not available from the premises as required by the Premises Licence conditions.*

8. Hertfordshire Police Constabulary are of the view that these premises will not conform, stating that this is evidenced by the sustained noncompliance with the Premises Licence and its conditions. In addition to this, the use of the premises for the purpose of selling illegal vapes, tobacco/cigarettes and evidence obtained of drugs (cocaine) within the shop. Police believe that the failure of the premises licence holder to adhere or promote the four licensing objectives coupled with the absence of the designated premises supervisor from the premises and that they are non-contactable suggests that neither are in a position to continue to manage the premises to meet their obligations under the Licensing Act 2003. It is the request of the Police that the premises licence be revoked in its entirety.
9. The application for review was accepted as valid and duly made by the Council on 29th October 2024.
10. Subsequently Hertfordshire County Council Trading Standards made representations in support of the review application, based on the discovery on the premises of illegal tobacco products and a prescription-only medication.

The Hearing

Police Evidence

11. The Police representatives spoke to the basis of their application for review of the licence. They spoke of incidents connected with the premises and said that they had serious concerns about the management of the premises.
- 11.1. On 3 October 2024 Police had been present when illegal items had been seized. These were illegal tobacco products and cigarettes. A Viagra-type jelly was found in the shop which could only be sold with a prescription. There were items of drugs paraphernalia (a grinder and small bags). £4,000 in cash was found in a bag and was seized. No explanation was offered for the presence of the cash.
- 11.2. Drugs wipes were used on the visit, which showed strong indications of cocaine use in the toilet, sink and kitchen area, as well as on both sides of the customer counter. However, no drugs were found on the premises.
- 11.3. The License Holder had failed to produce CCTV footage in breach of licence conditions. The request for CCTV footage was made in the light of a very serious incident on 30 August 2024 involving gang violence in the vicinity of the premises. CCTV footage was requested on a subsequent visit to the shop on 3 October 2024 but, again, was not available.
- 11.4. It was a licence condition that the Designated Premises Supervisor, Mr Polat, should be readily available but attempts by the Police to contact him had failed.
- 11.5. The Police were concerned that the "Oval Gang" was using the shop as a base and was dealing drugs either within the shop or in its close vicinity.
- 11.6. The Police believed that the Licence Holder supported customers against the Police and did not co-operate in supporting Police efforts to tackle crime and disorder in the area. On one occasion, gang members escaped through the shop. The Licence Holder had not contacted the Police to alert them to the incident on 30 August despite being present and did not volunteer witness information.

11.7. In response to questions from the Licence Holder and his representative, the Police confirmed that no drugs or weapons had been found on the premises and that they had not seen drug dealing taking place on the premises. The Police mentioned the absence of CCTV footage from the premises.

11.8. The Police showed CCTV footage of the incident on 30 August 2024. This showed a clash between members of rival gangs, some of whom were seen carrying machetes and knives. A group was shown congregating outside the premises in the lead-up to the incident. The Police believed that those involved had links to "County Lines" drug dealing operations.

11.9. In response to questions from the Licence Holder and his representative, the Police confirmed that no drugs or weapons had been found on the premises and that they had not seen drug dealing taking place on the premises. The Police mentioned the absence of CCTV footage from the premises. The Licence Holder's representative asked the Police why they had not arrested Mr Oruc. The Police said that they did not have evidence to support arrest and clarified that they were not suggesting that Mr Oruc was drug dealing.

Trading Standards Evidence

12. Elaine Knowles from Hertfordshire County Council's Trading Standards Department said that one of the Department's roles was to deal with the sale of illegal tobacco.

12.1. She had attended Oval Wines on two occasions and had seized illegal tobacco on both. She said that it was clear that the tobacco did not comply with packaging regulations which were compulsory for tobacco sold in the UK. It was illegal to sell tobacco which was non-compliant and duty would not have been paid on such tobacco.

12.2. It was possible that the tobacco was counterfeit and had been sent for tests. However, the results were not yet available.

12.3. Ms Knowles said that the storage of the tobacco was suspicious, as it was concealed in drink pallets from which cans had been removed and was kept separate from legitimate tobacco which was on sale.

12.4. Ms Knowles explained the problems caused by illegal tobacco sales. Counterfeit tobacco infringed intellectual property rights and was often linked to other sorts of criminality such as money laundering and modern slavery. Not complying with packaging requirements undermined the health approach to the sale of tobacco, avoiding the health messages required by law. The non-payment of duty was also serious, as it deprived the Exchequer of revenue and allowed tobacco to be sold more cheaply, making it more attractive to children.

12.5. In addition to illegal tobacco, the inspections uncovered the concealed presence of five packets of "Kamagra Oral Jelly" which Ms Knowles believed contained the same active ingredient as Viagra, which was a prescription-only medicine, and which could not lawfully be sold from the shop.

The Licence Holder's Evidence

13. The Licence Holder, Mr Oruc, and his representative, Mr Hopkins, addressed the Committee. They had submitted a list of additional licence conditions which Mr Oruc would be happy to accept to address the issues raised by the review.

- 13.1. They placed much of the responsibility for issues with the premises on the failings of the Designated Premises Supervisor, Mr Polat. Mr Polat had recently been dismissed and Mr Oruc would personally take on the responsibilities of the DPS.
- 13.2. Mr Oruc had not worked for the previous owner and had no contact with him. Mr Oruc had come to the premises with a clean record.
- 13.3. Mr Oruc's representative criticised the licence conditions, saying that they were out of date and the CCTV conditions were "sparse".
- 13.4. The CCTV was now working satisfactorily. Initially, the hard disk for the system was too small to store CCTV images for the time period required by the licence. This was why the images were not available on the first visit by the Police. Mr Oruc was not aware of the small size of the hard drive and had subsequently replaced it. A failure by his CCTV provider in setting the system was responsible for the absence of images on the second visit.
- 13.5. The presence of illegal products was not disputed but Mr Oruc was unaware of this. The sales had been the responsibility of two members of staff who had been making sales "under the counter". They had since been dismissed. A proposed condition requiring the retention of receipts for tobacco and alcohol products would address the problem.
- 13.6. The £4,000 cash found on the premises had belonged to another member of staff, who had stored it there as it was a safer place to store the cash than the member of staff's shared accommodation.
- 13.7. Mr Oruc was as surprised as the Police about the positive results when the premises were swabbed for drug residue. He thought it was possible that staff may have used drugs in the toilets but he did not understand the results for the shop counter.
- 13.8. Mr Oruc, for the future, was happy not to sell drugs paraphernalia but pointed out that their sale was not unlawful and that the items found were sold in lots of shops. This did not make him a drug dealer.
- 13.9. There was no evidence of weapons on the premises and it was not illegal for young people to visit the premises. However, Mr Oruc was happy for a condition to limit the number of under-18s in the shop to two at a time.
- 13.10. Mr Oruc had no links to the gang. He had no power to stop them congregating outside his shop. He was not acquainted with the alleged gang members. He did not know names but recognised some faces. He said that local traders had massive problems and had complained many times. They didn't call police to incidents as they were fearful. Mr Oruc did not want to be perceived as a "snitch". The Police suggestion that he was linked to drug dealing put him at risk as drug dealers might mistakenly think he was a rival. He said that there was no CCTV evidence of drug sales to 11-year-olds. Tackling criminality by gangs was the responsibility of the Police, not him. Mr Oruc would welcome a much greater Police presence, including immediately outside his premises.
- 13.11. Mr Oruc was questioned by Police representatives at the hearing regarding CCTV footage of the incident on 30 August 2024. It had become apparent shortly before the hearing that Mr Oruc was visible in the CCTV footage obtained from other sources. He was asked why he had not identified himself as a witness when the Police had requested CCTV footage from him. Mr Oruc said that he had not been asked to make a statement. The Police said that, as Mr Oruc had

not said that he was present, they had not known that he was a witness. Mr Oruc said that he didn't want to get involved with Police or gang matters.

13.12. Further questions sought to clarify issues around CCTV, the drugs residue found and whether Mr Oruc felt intimidated by the gang presence. Mr Oruc was afraid of being "labelled" by the gang but would welcome uniformed Police presence.

13.13. Councillor Barr asked Mr Oruc why he had not called the Police when he became aware of unlawful activities by members of staff. Mr Oruc's representative said that he had not wished to involve the Police.

13.14. Cllr Wren asked about the CCTV incident involving the machetes. Mr Oruc said that he had seen a machete and that his main objective was to get everyone away from his business. This explained the apparent gesturing to gang members. People had run into his shop and he had opened the rear door as he wanted to get them out. He did not want a physical confrontation. Mr Hopkins said that the installation of an electronic lock on the front door, along with a "two at a time" rule would tackle issues in the future. Mr Oruc said that he was completely happy to work with the Police.

13.15. Cllr Clark clarified how long Mr Oruc had been responsible for the premises and asked whether there had been other incidents. Mr Oruc said that there had been only minor incidents and confirmed that these had been recorded in the incident book.

Summing Up

14. Opportunity was given for the parties to sum up.

14.1. The Police referred to a meeting with Mr Oruc on 19 April 2023, notes of which were appended to the Licensing Committee report at page 39. (Item B1.) At the meeting Mr Oruc had seemed knowledgeable about licensing issues. At the meeting, the Police had offered help with issues of anti-social behaviour.

14.2. Mr Hopkins, for Mr Oruc, stated that they had said what they wanted to say. Mr Oruc deplored the sale of illegal tobacco and other unlawful activities. He had proposed an extensive list of additional conditions and asked that Mr Oruc be given another chance.

Findings of fact

15. The facts were, largely, not in dispute, although responsibility for the incidents that led to the review application was contested.

15.1. The Licensing Committee made the following findings of fact:

15.1.1. The Licensee had breached the licence condition requiring CCTV images to be available for inspection in an unedited form for up to 30 days.

15.1.2. The Designated Premises Supervisor had failed to make himself available to the Police, as required by the licence.

15.1.3. The premises were used for the storage of illicit/illegal tobacco products and prescription-only medicines.

15.1.4. The premises were used for the sale of drugs paraphernalia.

15.1.5. There was clear evidence of unlawful drug use within the premises, as shown by the positive results for cocaine shown by swabbing.

15.1.6. The premises acted as a focus for a local gang, which congregated in the vicinity of the shop. Gang activity was linked to incidents of violence and disorder, as shown in the CCTV footage from 30 August 202.

15.1.7. Mr Oruc had not pro-actively co-operated with the Police in addressing incidents of illegality and anti-social behaviour.

Decision

16. The Committee's decision is that the premises licence in respect of the premises should be revoked.

The Licensing Objectives

17. The Committee took careful account of all the material before it, including representations made by the Licensee.

17.1. The Committee also took account of the statutory guidance published under section 182 of the Licensing Act 2003. Of particular relevance is the guidance from paragraph 11.24 on "reviews arising in connection with crime.

17.2. The Committee was guided by paragraph 11.26, which states:

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

17.3. Mr Oruc had not disputed incidents of illegality on the premises but denied personal responsibility. Whilst the Committee's view was that Mr Oruc had done little, if anything, to tackle illegality, the guidance makes it clear that personal culpability is not the issue.

17.4. Paragraph 11.27 says that there is "certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously". These include the use of licences premises "for the sale or storage of smuggled tobacco and alcohol". It was not clear whether the illegal tobacco found at the premises was smuggled or counterfeit but in either case the Committee decided to treat this particularly seriously.

17.5. Paragraph 11.27 also refers to the use of licensed premises "as the base for the organisation of criminal activity, particularly by gangs". The Committee accepted that the premises were a focus for gangs meeting in the vicinity, it did not find that the premises were used by gangs for the organisation of criminal activity. However, there was evidence of the premises being used for criminal activity, including the seizure of illicit tobacco and prescription-only medication, the significant amount of cash and the extensive cocaine residues found.

17.6. The breaches of the licence conditions relating to CCTV and the availability of the Designated Premises Supervisor were the personal responsibility of the licence holder, who could not avoid responsibility merely by saying that they were caused by members of staff. Similarly, the Licensee was responsible for ensuring that the premises were not used for unlawful purposes.

17.7. The Committee concluded that the incidents referred to above meant that the operation of the premises did not promote, and were to the detriment, of the licensing objectives. Taking these in turn:

The prevention of crime and disorder

17.8. The premises failed to promote this objective as a result of the incidents of breaches of licence including the failure to record CCTV properly and to ensure that the Designated Premises Supervisor was available.

17.9. The premises also failed to promote this objective as a result of multiple instances of illegality in the use of the premises, including the discovery of cocaine residue, and the finding of illegal tobacco products and prescription-only medication.

17.10. The licence holder failed to engage proactively with the Police in tackling issues of illegality and anti-social behaviour.

17.11. Whilst not in itself unlawful, the sale of drugs paraphernalia from the shop was not helpful in promoting this objective in a location which had clear problems with drug use and drug dealing.

Public Safety

17.12. The premises failed to promote this objective by acting as a base for a local gang to congregate. The gang was associated with illegal activities and anti-social behaviour. The incident of 30 August 2024 involving the use of machetes, and the use of the premises as an escape route, was particularly serious.

17.13. The storage of illicit tobacco and prescription-only medication also posed a risk to public safety as did the use of the premises for the consumption of illegal drugs.

Prevention of Public Nuisance

17.14. The focus of the premises as an area for congregation by a local gang contributed to public nuisance in the area, as illustrated by the CCTV footage from 30 August 2024.

17.15. The Committee also decided that the absence of pro-active engagement by the Licence Holder with the Police in tackling anti-social behaviour and illegality – in fact his admitted avoidance of engagement – was detrimental to the promotion of this activity.

Protection of Children from Harm

17.16. The premises were accessible to children and the use of the premises for illegal drug use could place children at risk.

17.17. The premises acted as a focus for the congregation of gang members in the vicinity. Some, if not all, of the gang members were young persons. The focus given by the premises to gang congregation was detrimental to this objective.

Reasons for revoking the licence

- 17.18. The Committee decided that action beyond words of advice or a warning was called for. The premises were linked to serious illegality, breach of licence conditions and anti-social behaviour. The Committee therefore considered the other options available to it. These are:
- 17.19. To modify the conditions of the licence. The Committee considered carefully the additional conditions proposed on behalf of Mr Oruc. However, it was clear that Mr Oruc was in significant breach of licence conditions and had, by his own account, exercised little effective management of the premises since becoming the licence holder. The Committee therefore had no confidence that the imposition of additional licence conditions would be an effective step in ensuring the proper promotion of the licensing objectives.
- 17.20. To exclude a licensable activity from the licence. The Committee did not consider that this was a relevant option, given the limited scope of licensable activities covered by the licence.
- 17.21. To remove the designated premises supervisor. The Committee concluded that this would not address the issues that had given rise to the review. In any case, the licence holder was proposing to become the designated premises supervisor and the Committee had little confidence in him exercising a satisfactory supervisory role.
- 17.22. To suspend the licence for a period not exceeding three months. The Committee concluded that suspension would not adequately address the issues leading to the request for a review. There was nothing to suggest that suspension would be adequate in ensuring that the licensing objectives were met.
- 17.23. To revoke the licence. The Committee concluded that this was the appropriate option, given the severity of the issues raised in this review, and taking account of the statutory guidance.

18. RIGHT OF APPEAL

- 18.1. Any person who is aggrieved by the Committee's decision has the right to appeal to the Magistrates' Court. Any such appeal must be made within 21 days of the date of this notice. The Committee's decision will not come into effect until the end of the period for appealing the decision or until the conclusion of any appeal.

Mr E Oruc
The Oval Wines
9 The Oval
Stevenage
SG1 5RA

Your Ref:
Our Ref: AM/12/24
Contact: Alex Marsh
Direct Line: 01438 242203

E-mail:
Alex.marsh@stevenage.gov.uk

Date: 23 December 2023

Dear Mr Oruc,

**CONSIDERATION OF AN APPLICATION FOR THE REVIEW OF PREMISES LICENCE
BY STEVENAGE BOROUGH COUNCIL LICENSING COMMITTEE**

I refer to the recent consideration of the Police application, for a review of the Premises Licence by Stevenage Borough Council Licensing Committee.

Attached is the Decision Notice of the Committee revoking the Premises Licence.

All parties to the Licensing Hearing (yourself, Responsible Authorities and/or members of the public who had submitted valid representations regarding the variation application) have a right of appeal to the Stevenage Magistrates' Court against the above decision. Such an appeal should be submitted to the Magistrates' Court within 21 days of the date of receipt of this Decision Letter. Details of your right to appeal are set out in the Decision Notice.

Yours sincerely,

Alex Marsh

Alex Marsh
Democratic Services Officer

Copies also sent to:

Appendix D
Current Premises Licence and Plan
The Oval Wines, 9 The Oval, Stevenage

Planning And Regulation

Assistant Director, Planning & Regulation - Zayd Al-Jawad

Stevenage
BOROUGH COUNCIL

Daneshill House, Danestrete, Stevenage SG1 1HN • Tel: 01438 242242 • Textphone: 01438 242555 • Fax: 01438 242566 • stevenage.gov.uk

Mahir Kilic
Narts Food & Leisure Ltd
53 Stoke Newington High Street
London
N16 8EL

Our Ref: 23/00226/LAPRE3
Contact: Mrs Julie Dwan
Direct Line: (01438) 242259
Email: licensing@stevenage.gov.uk

15th May 2023

Dear Mahir Kilic,

APPLICATION FOR Vary of DPS

Please find the above premises licence enclosed with amended minimum drinks pricing formula, Annex 1 - Mandatory Condition 11(b). The Premises Licence, or a certified copy of it, must be kept at the premises in the custody of the holder, or a person who works on the premises and has been nominated in writing by the holder of the licence. The Premises Licence Summary, or a certified copy of it, must be prominently displayed at the premises.

We must be informed of any change in either the licence holder's, or designated premises supervisor's name or address as soon as reasonably practicable.

Please note that the use of the premises may still be bound by other restrictions e.g. planning conditions or landlord/tenant contracts and leases. This licence does not give permission to trade outside hours prescribed by other legislation or contracts.

Please read the premises licence carefully and contact me if you have any questions, or need any further information.

Yours sincerely,



Zayd Al-Jawad
Assistant Director, Planning & Regulation



DATA PROTECTION ACT 1998 – FAIR PROCESSING NOTICE

USING AND SHARING YOUR INFORMATION

The data that you have provided will be stored and processed by Stevenage Borough Council or its appointed agents in accordance with the Data Protection Act 1998.

From time to time this information may be shared with other Council departments and/or outside partners such as the Police to prevent and detect crime or insurance companies and bodies responsible for auditing or administering public funds for the prevention and detection of fraud. All non-personal information is also subject to disclosure under the Freedom of Information Act 2000 and/or Environmental Information Regulations 2004.

The nominated representative for Stevenage Borough Council is the Council's Information Officer. If you have any concerns regarding any data provided or data sharing please contact them on 01438 242242.

The data will be:

1. fairly and lawfully processed
2. processed for limited purposes
3. adequate, relevant and not excessive
4. accurate
5. not kept longer than necessary
6. processed in accordance with your rights
7. kept secure
8. not transferred to countries outside the EEA without adequate protection

You may view your data and inspect it, and correct any errors.

The data will be used for the following purposes:

1. to ensure that our records are kept up-to-date
2. to inform you of other services that may be of interest to you
3. to provide information about you to third parties, where required by law
4. for occasional customer research aimed at improving the services that Stevenage Borough Council provides to you
5. to:
 - a. process your licence or consent application;
 - b. deal with your service request;
 - c. deal with a complaint;
 - d. process your grant enquiry
 - e. ensure compliance with Environmental Health legislation

Further information on the Council's obligations under the Data Protection Act 1998 can be found on the Government's website www.gov.uk.

LICENSING ACT 2003
PREMISES LICENCE

SBCL0167

LICENSING AUTHORITY



Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN

-- Premises

The Oval Wines
9 The Oval
Stevenage
Herts
SG1 5RA

Telephone Number:

Where the Licence is time limited the dates: - 31 December 9999

Licensable Activities authorised by the licence:

J - Sale of Alcohol

The times the licence authorises the carrying out of licensable activities:

J - Sale of Alcohol (Alcohol is supplied for consumption off the Premises)

	From:	To:
Monday-Sunday	07:00	23:00

The opening hours of the premises: **From:** **To:**

Monday - Sunday	07:00	23:00
------------------------	--------------	--------------

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

Alcohol is supplied for consumption off the Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Emrah Oruc
[Redacted]

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

Emrah Oruc

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

Polat Hasan



Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):

Personal Licence Number: LBH-PER-T-0676
Licensing Authority: London Borough Of Hackney

ANNEX 1 – MANDATORY CONDITIONS

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, or
 - (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. (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 sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(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.
4. 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.

For the purposes of this condition -
 - (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 amount 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.
5. Where the permitted price 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.
6. (1) Sub-paragraph (2) applies where the permitted price 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

1)The premises will have CCTV in place. The digital CCTV system shall record images which will be retained in unedited form for up to 30 days and which shall be made available for any Responsible Authority on request.

2)A notice shall be displayed requesting that customers respect the rights of local residents by not causing noise or nuisance outside of the premises.

3)The Challenge 21 Scheme will operate. Accepted forms of ID (passport, driving licence, PASS cards) will be requested by staff. Notices will be displayed to support.

4)A refusals book shall be kept and shall be made available for inspection on request by officers from the Police, Trading Standards or the Licensing Authority.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

ANNEX 4 – AUTHORISED PLANS

See one attached plan: Dwg. no.: 0156 Dated: 28.07.08



Zayd Al-Jawad Zayd Al-Jawad
Assistant Director, Planning & Regulation

Date: 15th May 2023

LICENSING ACT 2003
**PREMISES LICENCE
SUMMARY**

SBCL0167



**Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN**

Part 1 Premises Details

**The Oval Wines
9 The Oval
Stevenage
Herts
SG1 5RA**

Telephone Number:

Where the Licence is time limited the dates: - 31 December 9999

Licensable Activities authorised by the licence:

J - Sale of Alcohol

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	From:	To:
Monday-Sunday	07:00	23:00

The opening hours of the premises: **From: To:**

Monday - Sunday	07:00	23:00
------------------------	--------------	--------------

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

Alcohol is supplied for consumption off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Emrah Oruc
[Redacted]

Faint, illegible text at the top of the page, possibly a header or title.

Faint, illegible text at the bottom right of the page, possibly a footer or page number.

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

Emrah Oruc

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Polat Hasan

State whether access to the premises by children is restricted or prohibited:

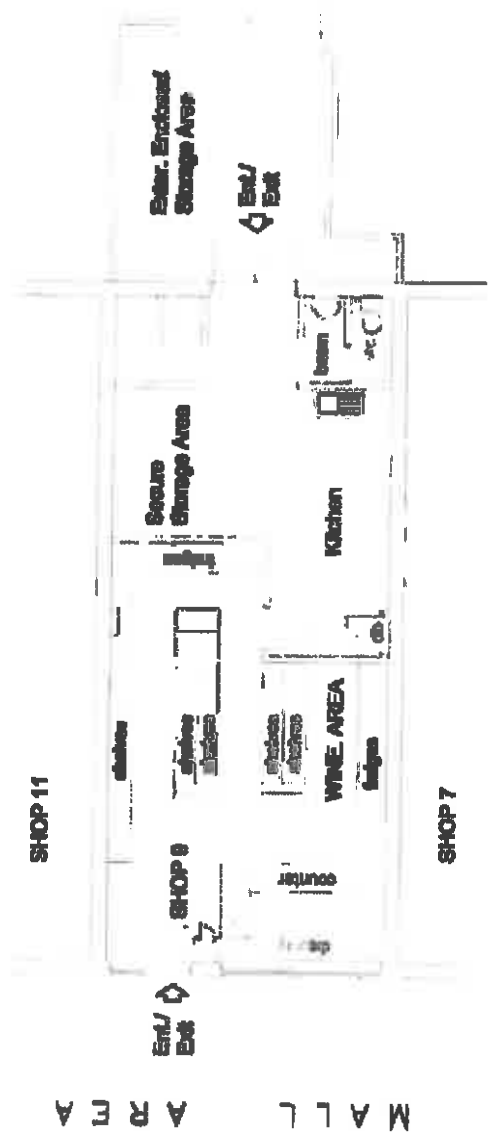
Restricted by virtue of the Licensing Act 2003



Zayd Al-Jawad
Assistant Director, Planning & Regulation

Date: 15th May 2023

LOADING BAY AREA



MALL AREA

GROUND FLOOR PLAN
SCALE: 1:100

TELEPHONE

Proposed Shop Lay-out at
97th Street
Per Mr. Johnson - Subcontractor

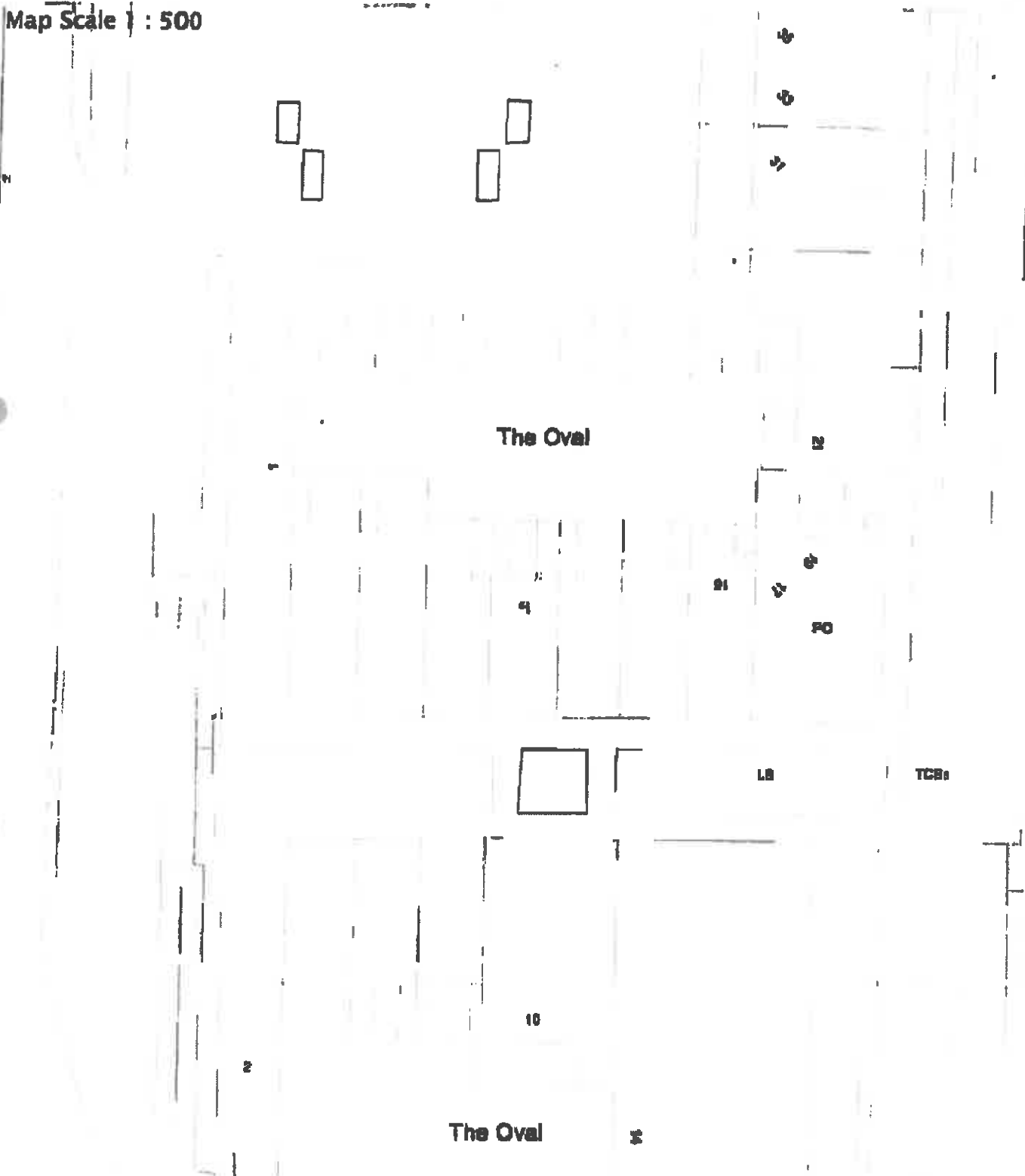
DATE
28.07.88

Existing Ground Floor
Furniture Layout

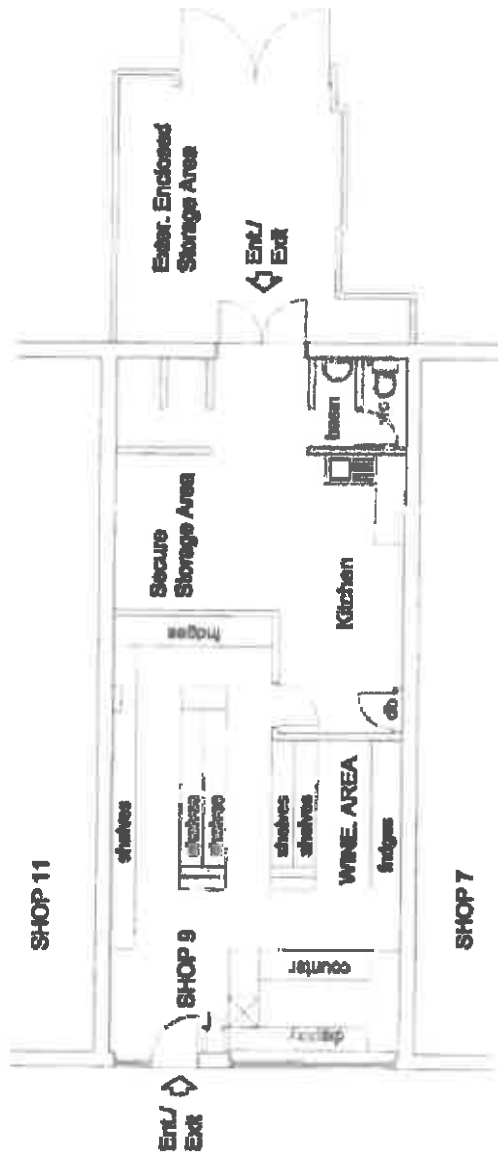
DATE
01/88
1:500 @ A3

9 The Oval

Map Scale 1 : 500



MALL AREA



GROUND FLOOR PLAN
SCALE: 1:100

LOADING BAY AREA

TELEPHONE #

Prepared Shop Lay-out at
8 The Oval
For Mr. Aliphan - Boissandish

DATE
20.07.88

EXISTING GROUND FLOOR
FURNITURE LAYOUT

NO. 0158
T:100 @ AS



9 The Oval

Map Scale 1 : 500



