

Meeting	Licensing Committee
Portfolio Area	Communities, Community Safety and Equalities
Date	19 th December 2024

APPLICATION TO REVIEW A PREMISES LICENCE – THE OVAL WINE, 9 THE OVAL, STEVENAGE, SG1 5RA

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1 PURPOSE

- 1.1 To determine an application for a review of the premises licence for The Oval Wine, 9 the Oval, Stevenage. SG1 5RA. The application has been made by Senior Licensing Officer Gill Ackroyd of Hertfordshire Constabulary. Representations have been made by Hertfordshire Trading Standards.

2 RECOMMENDATIONS

- 2.1 That the Committee reviews the evidence presented by the responsible authorities and the premises licence holder (and/or representatives) and determines what action should result in respect of the review application.

3 SUMMARY OF APPLICATION

- 3.1 This application for the review of premises licence has been submitted by Hertfordshire Constabulary. The Grounds for the review brought by Police, fall under all four of the licensing objectives and are outlined below:

The prevention of crime and disorder

- 3.2 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.
- 3.3 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.
- 3.4 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.

Public Safety

- 3.3 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.
- 3.4 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.

The Prevention of Public Nuisance

- 3.5 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.

Protection of children from Harm/ Prevention of Public Nuisance

- 3.6 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.

- 3.7 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.
- 3.8 The application for review was accepted as valid and duly made by the Council on 29th October 2024. A copy of the application is attached at Appendix A, with Police supporting evidence attached at Appendix B.

4 BACKGROUND INFORMATION

- 4.1 The Oval Wine 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.
- 4.2 On 21.03.2023 an application was submitted from police to review the Premises Licence at The Oval Wines in respect of failing to promote all four licensing conditions following the Premises Licence Holder at that time being convicted for rape of a 16-year-old girl. The review was withdrawn as the premises licence was then transferred on 17.04.2023 to Mr Emrah Oruc and at the same time Mr Oruc applied to vary the DPS to Mr Hasan Polat.
- 4.3 Mr Oruc had been working at The Oval Wines prior to his application for a transfer of premises licence which is outlined in the Police supporting evidence attached in Appendix B.
- 4.4 The Licensing Authority were made aware of the breaches found by Police in respect of the premises licence for The Oval Wine following their inspections carried out on 4th October 2022 and 7th March 2023 and received copies of the warning letters sent to the DPS, following those inspections.
- 4.5 On 18.05.2023 A Licensing Officer delivered the Premises Licence to Mr Oruc at The Oval Wines which followed the consultation period for the transfer of the Premises Licence into his name. The licensing Officer went

through all of the conditions of licence, and advised that the plan attached to the premises licence did not reflect the layout at that time and recommended that he submit an application for the minor variation of the premises licence with an amended plan of the new layout. Advice also given with regards to CCTV urging Mr Oruc to check how long the CCTV footage was stored for in order to comply with his premises licence. An intervention form summarising all of the above was given to Mr Oruc at the time of this meeting and is attached in Police supporting evidence in Appendix B.

- 4.6 On 20.09.24 The Licensing Authority were advised by Police that on 12.09.24 the premises licence holder had failed to comply with Annex 2 condition 1 which was to supply CCTV footage following an incident on 30.08.24 outside the store stating that Mr Oruc was unable to produce the footage due to it "being blank" on that date. Police provided the licensing authority with a copy of the warning letter which was sent to the Designated Premises Supervisor Hasan Polat and is attached in Police supporting evidence in Appendix B.
- 4.7 On 11.10.24 Police included the Licensing Authority into an E mail to Mr Oruc advising him that they had received no response from Mr Polat following the letter. This supporting evidence is outlined in the Police supporting evidence in Appendix B.
- 4.8 03.10.2024 Licensing Officers, together with Police, Trading Standards and The Fire Service attended Oval Wines for a joint inspection of the Premises. CCTV footage requested was unavailable. Intervention forms summarising this visit was issued to the two staff members present at the time of the inspection. Copies of these can be found in the Police Supporting evidence in Appendix B.
- 4.9 A map showing the location of the premises is attached at Appendix C. A copy of the premises licence is attached at Appendix E.

5 RESPONSIBLE AUTHORITIES

- 5.1 Hertfordshire Constabulary have submitted the review in connection with all four of the Licensing Objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 5.2 Hertfordshire Trading Standards have made a representation and are in support of the review application submitted by Hertfordshire Constabulary on the grounds of the licensing objective 'Prevention of Crime and Disorder' on the basis that illegal tobacco was found concealed on the premises on 02.07.24. Prescription only medicines were also found hidden at the Premises which cannot legally be sold over the counter.
- 5.3 Copy of the representation including supporting evidence is attached Appendix D. Further evidence from Trading Standards has been provided as part of the Police supporting evidence at Appendix B.

6 OTHER INTERESTED PARTIES

6.1 No Representations have been received from other interested parties.

7 IMPLICATIONS

7.1 Financial Implications

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

7.2 Legal Implications

7.2.1 The Committee is advised that paragraphs 11.1 -11.15 & 11.24 -11.28 of the Guidance under section 182 of the Act describe the powers of a Licensing Authority on the determination of an application.

7.2.2 The following options are available to the committee under section 51 & 52 of the Licensing Act 2003:

- To modify the conditions of the licence
- To exclude a licensable activity from the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

7.3 Policy Implications

7.3.1 *Stevenage Borough Council Statement of Licensing Policy 2020 – 2025*

The following sections of the licensing authority's statement of licensing policy apply to this application:

17.2 The Licensing Authority, in determining if the application for a review is relevant, will have regard to the current guidance issued by the Secretary of State under section 182 of the Act in so far as to whether an application is frivolous, vexatious or repetitious. Representations made by a responsible authority cannot be deemed as being frivolous, vexatious or repetitious.

17.4 In instances where the crime prevention objective is being undermined, revocation, even in the instance of this being a first review of the premises licence, or club premises certificate, will be given serious consideration.

7.3.2 *Guidance issued under section 182 of the Licensing Act 2003*

The Committee is reminded of the Guidance issued under section 182 of the Licensing Act 2003. These particular sections are relevant to this review application:

The Review Process paragraphs 11.1 – 11.11

Repetitious Representations paragraphs 11.12 – 11.15

Reviews arising in connection with crime paragraphs 11.24 – 11.28

7.4 Equalities and Diversity Implications

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

7.5 Crime and Disorder

- 7.5.1 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

8. SUPPLEMENTARY INFORMATION

- 8.1 CCTV is available to be viewed and is contained within the Police evidence.

9 BACKGROUND DOCUMENTS

- BD1 Licensing Act 2003
- BD2 Stevenage Borough Council, Statement of Licensing Policy 2020-2025
- BD3 Guidance issued under section 182 of the Licensing Act 2003

10 APPENDICES

- A Application for Review of the Premise Licence.
- B Supporting documents attached within Police Review Application
- C Map showing the location of The Oval Wine
- D Representation and supporting documents from Trading Standards
- E Premises Licence and Plan for The Oval Wines.