

<b>Meeting</b>	Licensing Committee
<b>Portfolio Area</b>	Communities, Community Safety and Equalities
<b>Date</b>	17 <sup>th</sup> February 2025

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

<b>Authors</b>	Mary O'Sullivan   Ext. 2724
<b>Lead Officers</b>	Julie Dwan   Ext. 2493
<b>Contact Officer</b>	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 grant 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 from Polat Hasan to Emrah Oruch on 21<sup>st</sup> January 2025. **A copy of the application is attached at Appendix A.**

- 3.2 On 22<sup>nd</sup> January 2025 Senior Licensing Officer (SLO) Gillian Akroyd submitted a representation to this application stating that Mr E Oruc 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 21<sup>st</sup> January 2025.

#### **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 Premises Licence for The Oval Wines on 25<sup>th</sup> October 2025 for failing to promote all four of the licence objectives. The application for review was heard by the licensing committee on 19<sup>th</sup> December 2024.
- 4.3 The committee during the review of the Premises licence accepted that there was 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.
- 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 at the time, Polat Hasan 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 decision of the committee at the review hearing on 19<sup>th</sup> December 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 which is attached at Appendix C**
- 4.8 The proposed Designated Premises Supervisor, Mr Oruc and licence holder had submitted an identical application to vary the DPS with immediate effect (to himself) on 17<sup>th</sup> December 2024 which was objected to by Police on 23<sup>rd</sup> December 2024 as it would undermine the objective of crime prevention. The matter was due to be heard by the licensing committee on 24<sup>th</sup> January 2025 however the application was withdrawn by the applicant on 21<sup>st</sup> January 2025 before receiving this second application to vary the DPS to Mr Oruc also on 21<sup>st</sup> January 2025.

## **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 for Oval Wines
- D Current Premises Licence and Plan