

The Trading Standards team are submitting an objection to the grant of a premises licence for **613 Lincoln Road Peterborough PE1 3HA** on the grounds of the prevention of crime and disorder and the protection of children from harm.

Trading Standards have had a number of dealings with the premises.

In December 2011 Trading Standards visited the shop with children under the age of 18 to attempt to purchase alcohol following complaints of under age sales. A sale of alcohol was made to two 16 year old volunteers. The seller of the alcohol did not challenge the volunteers on their age or ask for identification.

Whilst in the shop a sale of illicit tobacco was witnessed and were being stored in a sack of potatoes. In the potato sack was a large amount of foreign labelled cigarettes and suspected counterfeit hand rolling tobacco pouches.

Mr Hasan Koc that was working at the time of the test purchase operation advised that he was the owner and the premises licence holder. Ms Ewa Walas was the designated premises supervisor.

Previous records show 2 other sales of alcohol to children in October and December 2009.

In January 2012 Trading Standards and HM Revenue and Customs visited the shop following intelligence of the sale of illicit alcohol and tobacco. HMRC officer seized 0.8g of Hand Rolling Tobacco, 880 King Size Filter Cigarettes and an associated vehicle registered to a Mr **Huseyin Koc**, brother of **Hasan Koc** who was working in the shop at the time.

On the 30th October 2012 HMRC officers seized a total of 57.4 Litres of mixed spirits from Mr **Serdari Koc** who lives above the shop. Of the 57.4 litres seized 36 bottles of Glens Vodka were signed over to Trading Standards as the labels were counterfeit and a diverted product. Ms Walas advised that there was a new owner from June 2012 and provided documentation for Nexpower Ltd with the new owner Mr **Ibrahim Koc**.

Companies house records show that the owner of the business was a Mr **Serhat Koc** from 5/7/11 and changed directors to a Mr **Ibrahim Koc** from 15/6/12

A review of the licence was served by Trading Standards on the 6th December 2012 and on the 28th January 2013 a review hearing took place by the Licensing Sub-Committee where the premises licence was revoked.

Trading Standards have concerns with the ambiguity over who is concerned with the premises and who in fact is responsible of running the shop. On the 6th March 2013 It was requested that the licensing department contact the agent to establish that there is a separation between the applicant and the revoked licence and the owner bearing the same family name.

The agent has advised that there is a sale of the business and could evidence this however to date this evidence has not been received.

On further investigation, the applicant Ms **Hatice Koc** has given an address in London where 3 other members of her family are registered namely **Heseyin, Hirdir** and **Serdari**.

Records show that these 3 family members have all been connected to 613 Lincoln Road with Serdari presently working in the shop.

If the licence is granted and persons previously involved in the business still have control in some capacity then further concerns that reports of illegal activity would continue and would not promote or uphold the licensing objectives.

Although the premises licence holder will change, Trading Standards has concerns over Ms Koc becoming the premises licence holder as being a family run business with the same owner, this application is being used to circumvent the revocation of the previous licence for the same premises.

Adrian Day

From: Day Adrian
Sent: 26 March 2013 10:34
To: Licensing
Cc: Dolby Darren
Subject: RE: Licensing Act 2003 - New Application , 613 Lincoln Road

As the Responsible Authority for the Licensing Authority I wish to make a representation against the grant of the new premises licence application in relation to Central Food at 613 Lincoln Road, Peterborough which I believe is now known as Superpoli Express.

My representation is in relation to the following licensing objectives:

- Ø The prevention of crime and disorder
- Ø The protection of children from harm
- Ø Public nuisance
- Ø Public safety

The application is requesting a premises licence to authorise off sales of alcohol Mon to Sun 8:00 am to midnight.

The premises is situated in the 'Op Cando' area of Peterborough, Op Cando is a multi agency partnership set up to address the various problems in this area and looks at ways to regenerate and resolve problems experienced by the community. This is a densely populated multicultural residential and retail area subjected to a high concentration of premises authorised to sell alcohol. This has had a negative effect on the licensing objectives, as many of the reported issues relate to the supply and use of alcohol, thus causing high levels of alcohol related anti social behaviour and public nuisance.

Paramount consideration has to be given to the wider community in which this premises is situated, anti social behaviour and nuisance associated with alcohol sales and consumption is well documented as blighting the every day life of residents in this locality. The Licensing Act 2003 provides a regulatory framework for ensuring that licences are only granted where it is deemed appropriate and the needs of local communities should be reflected in these decisions.

Currently Peterborough does not have a cumulative impact policy (special policy); however a full consultation in relation to the adoption of a policy for the area known as "Op Can Do" was completed and at a meeting of the Licensing Committee on 14 March 2013 the committee made a recommendation that a report is taken to full council in April 2013 recommending that the policy is adopted and should apply to all licensed premises. whilst this application should not be considered under such a policy at present due to the fact the policy has not been formally adopted, the fact that the issues in the area have been acknowledged to the extent that a policy is deemed appropriate I feel that similar consideration should apply to this application.

Previously the Director of Public Health has provided information about alcohol related hospital admissions from the Millfield area and also considers the demographic of residents and the issues this causes to them, to the health service and to Peterborough generally. This all relates to the public safety

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objective, as persons consuming alcohol to excess leads to crime, disorder, and public nuisance, a drain on hospital resources and deterioration on public health in the broader sense. The Governments Alcohol Strategy (March 2012) states '...alcohol is one of the three biggest lifestyle risk factors for disease and death in the United Kingdom after smoking and obesity.' It goes on to state '...alcohol related harm is now estimated to cost society £21 billion annually.' It further adds, 'the problem has developed for the following reasons: Cheap alcohol is too readily available and industry needs and commercial advantages have too frequently been prioritised over community concerns.'

Although this is a new premises licence application we should be mindful of the history of the premises and the individuals associated with it. The history is relevant as I believe that the persons who will be involved or associated with the running of the business are in fact the same as when the previous licence was in existence and will carry on running the premises in the same manner as before. I believe that the previous licence holder Ewa Walas although held the licence did not actually manage the premises.

I have ascertained from our records that originally the premise was known as Mex Power Ltd with a business contact name of Mr Sarhat Koc.

In July 2009 an application for a premises licence was received with a premises name of Mini Poli, the applicant was Mini Poli Ltd, the Designated Premises Supervisor (DPS) was Nezir Uyan

In April 2011 an application was received to change the DPS from Nezir Uyan to Ewa Walas

In August 2011 an application was received to transfer the licence from Mini Poli Ltd to Hazan Koc (Ewa Walas remained as DPS)

In October 2012 an application was received to transfer the licence from Hazan Koc to Ewa Walas (Ewa Walas remained the DPS)

In December 2012 Trading Standards submitted an application to review the premises licence and on 28 January 2013 the licence was revoke by the licensing committee.

On 26 February 2013 an application was received for a new premises licence with the licence holder and DPS being named as Hatice Koc. This was following an unsuccessful attempt to lodge an appeal against the committee's decision to revoke the licence due to the application for the appeal being out of time.

I believe that the same persons involved in the running of the business previously are still involved with the running of the business now and therefore the licence should not be granted. This is a family run business by the Koc family. We have requested from the applicants agent to provide information to indicate that this is an "at arms length application" (that the applicant or the business has no connection with the previous licence holder or operation of the business). To date nothing has been provided to indicate that this is in fact

Adrian Day

the case. Officers have enquired as to Ewa Walas and her continued connect with the premises and have been given conflicting information from staff members, we have been told she has left the business, another member of staff has mentioned she is on holiday?

The applicant Hatice Koc (family member) has given a residential address as Palmers Green London and this again indicates that she will not be present to manage the area's of the business associated with the licence if granted.

Regards

Adrian Day
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To find out more about Peterborough City Council please go to www.peterborough.gov.uk

Please consider the environment before printing this email.

From: Licensing
Sent: 28 February 2013 11:40
To: Blake Stephen; Bowler Richard; Curtis Margaret; Day Adrian; Emmanuel Lisa; 'Graham Morgan'; Harding Cate; Littlemore Ken; Workman Mandy; Marica Ainaso; Matsell Victoria; Neighbourhoods; 'Nick '; O'Toole Amanda; 'PC Robinson'; PIng Control Enquiries; Pocock Dorothy; Rivett Julie; Scott John; Woods Karen; Dolby Darren
Subject: Licensing Act 2003 - New Application , 613 Lincoln Road

Under the Licensing Act 2003 we have received the attached application. As a responsible authority you should have received an identical copy of this application from the applicant directly. If you have not received an identical copy please inform us immediately, as the application will be invalid.

Adrian Day

As a responsible authority you have 28 consecutive days to make any representations regarding this application, from the date we received the application (which is not necessarily today). If we have not heard from you by the end of 26-03-13 then we will assume that you have no representations to make regarding this application, and we will process it in accordance with the Act.

Please note that any representations must be related to the four objectives of the Act.

Please quote 066813 in any correspondence regarding this application.

Regards

The Licensing Team – Simon Andrews

Ref: 613 Lincoln Road / License Applications



Monday 25th March 2013

Darren Dolby
Licensing Officer
Peterborough City Council
Bayard Place
Broadway
Peterborough
PE1 1HZ

Dear Darren,

Re: Constabulary Representation – New Premises License Application – Superpoli Express, 613 Lincoln Road, Peterborough.

On 26th February 2013 email correspondence was received from Peterborough City Council Licensing Authority highlighting an application for a new premises license for Superpoli Express, 613 Lincoln Road, Peterborough, PE1 3HA. The applicant was identified as being Hatice Koc of 613 Lincoln Road, Peterborough, PE1 3HA. The application has been given the Council reference number: 066813. An original copy of the application was received by this office via mail from legal representation acting on behalf of the applicant, namely NARTS.

The application looks to install a Premises License covering off sale of alcohol effective from 26th March 2013 daily between 08:00am and 00:00pm. The DPS is offered as the applicant but with a different address - HATICE KOC of 69 Millicent Grove, Palmers Greens, London, N13 6HF. I am led to believe from the application details that Ms KOC is in the process of acquiring a Personal License from London Borough of Enfield.

613 Lincoln Road was an 'OFF License' grocery shop which is associated with the sale of illicit and/or counterfeit cigarettes and alcohol. On Monday 28th January 2013 Peterborough City Council Sub-committee revoked the license following a review application submitted by Trading Standards and supported by Cambridgeshire Constabulary, HM Revenue and Customs, PCC Licensing Department, The NHS, Operation CAN-DO and Millfield and New England Regeneration Partnership. The review application was heavily supported as the premises was concerned with the sale of illicit and or counterfeit cigarettes and alcohol and sales to underage stemming back to December 2011.

I have been licensing Officer for Northern Division since June 2011. I am familiar with 613 Lincoln Road and those associated with this premises either through licensing compliance visits or assisting HMRC and Trading Standards during their test purchases or inspections. The surname of KOC is one I recognise and attribute to

613 Lincoln Road regardless of who is installed as Premises License Holder or Designated Premises Supervisor.

Council records reflect the owner / association history of the premises since the previous license was granted, and after the Greyhound Public House closed down. These records were made readily available at the hearing, via the agenda paperwork, in January 2013.

I wish to recap and summarise that:

- On 15th July 2009 a new Premises License was submitted with the applicant and PL being Mini Poli Ltd and the DPS identified as Mr UYAN.
- On 13th August 2009 a new PL was issued authorising the daily off sale of alcohol 08:00am – 00:00pm.
- On 27th October 2009 - Failed Test Purchase Operation – EWE WALAS made a sale to underage. EWE WALAS was at the time a member of staff.
- 26th January 2010 a minor variation was submitted to add extra conditions following the failed test purchase operation in October 2009. The PL was changed to reflect conditions and re-issued on 08th February 2010.
- 14th April 2011 the DPS was varied from Mr. UYAN to Mrs. EWE WALAS. A new PL was issued on 29th April 2011.
- 20th May 2011 – Burglary at 613 Lincoln Road. Agg'd is HASAN KOC. Crime describes Agg'd and family as new owners and moving into flat above. No further details on crime as to who family are. CF0216980511 refers
- 22nd August 2011 the PL was transferred from Mini Poli Ltd to HASAN KOC. A new PL was issued on 09th September 2011.
- 21st December 2011 a joint Test Purchase by TS and Cambridgeshire Constabulary resulted in two failed sales to under 18 by EWE WALAS. It was also witnessed that illicit cigarettes were secreted within a potato sack but when officers went back the sack had been removed and evidence lost. This was reported to HMRC and a follow up inspection would take place in January 2012 (See below).
- 04th January 2012 – Burglary at 613 Lincoln Road. Agg'd described as HASAN KOC and witness is HATICE KOC who both give there address as flat above 613 Lincoln Road. CF0004080112 refers
- 11th January 2012 HMRC and Trading Standards made a visit to 613 Lincoln Road and illicit tobacco was seized. PL – HASAN KOC / DPS – WALAS.
- 19th February 2012 – HASAN KOC reports a Section 5 Public Order at 613 Lincoln Road. CF0069420212 refers

- 30th October 2012 a Joint inspection was carried out by TS and HMRC whereby a substantial amount of illicit alcohol was seized. PL – HASAN KOC / DPS - WALAS
- On the same day I learned via PCC Licensing Authority that HASAN KOC was no longer associated with the business and a visit was made to the premises by the responsible authorities. It was established that EWE WALAS had a receipted Application dated 25th June 2012 to transfer the DPS and PL over to her name. This was not officially submitted until 31st October 2012 and only granted on 15 November 2012.
- 17th March 2013 – Theft shoplifting reported to Police. CF 0095830313 refers. Enquiries reveal the manager is HUSEYIN KOC.

As a result of the evidence in relation to illicit alcohol and cigarettes Trading Standards applied to review license. Overwhelming support came from other responsible authorities including Cambridgeshire Constabulary under the licensing objectives of Crime and Disorder, Protection of Children and Public Safety.

Following the revocation of the License WALAS was given 21 days to appeal the decision and as she was present was verbally informed directly after the hearing and a notice in writing given into her hand. As no appeal was forthcoming myself and Teresa Martin, Licensing Officer, Peterborough City Council attended 613 Lincoln Road shortly after the deadline date and spoke to EWE WALAS. Also present was SERDARI KOC. Alcohol was still on show and despite representation stating that they had informed WALAS to remove alcohol; WALAS stated she hadn't and in fact didn't really know who her legal representation was. On speaking to WALAS she disclosed that Mr KOC was in charge. I remained with WALAS and SERDARI as he took control and removed the alcohol with a friend to their house next door. I did my part and showed reason in helping them to remove the alcohol and prevent them committing any further offences.

On 07th March 2013 I carried out some enquiries after I was informed that WALAS had been sacked and was no longer working at the store. After speaking to SERDARI KOC I was informed that she had not been sacked and was only on holiday for two weeks.

Enquiries via the Police Computer system have revealed that HATICE KOC was associated with the premises on 03rd January 2012. Between 20:55pm and 21:06pm on the same date a Burglary was reported at 613 Lincoln Road. The aggrieved to this crime were recorded as HASAN KOC and HATICE KOC – the applicant in this case. They both disclosed their address as 613 Lincoln Road, Peterborough.

Further enquiries via QUICK ADDRESS Search reveals that Hatice KOC is registered at 69 Millicent Grove, London along with Hidir Koc, Huseyin Koc and Serdari Koc.

It is my opinion that the applicant is related to previous / current operators of the premises and in fact through crime recording has been implicated as even being involved at the premises during a contentious period. I believe that this application is made by a close family member of those I suspect are heavily involved in the

premises either through administering or working at the store. I suspect this business is subject to a family run business namely the KOC's, albeit from behind the curtains. I am suspicious that this is an application submitted immediately after a revocation in an attempt to circumnavigate that decision and I make representation against the license application. I appeal to the Council Committee to refuse the application and fully support Trading Standards representation.

Yours faithfully,

Grahame Robinson
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The Licensing Team
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19 March 2013

Dear Licensing Team

Re: License application 613 Lincoln Road (ref: 66813)

It has come to our attention that there has been an application for a license to sell alcohol at the above premises. Following a hearing by the Licensing Sub Committee on 28th January the previous license was revoked. While the main reasons for this related to unpaid Excise Duty, there was also evidence from 'test purchasing' operations of sale of alcohol to children.

Across the Council and across our communities we have a duty to safeguard children from harm. This must include protection from the harm alcohol can cause to young people.

If these premises are to regain a license to sell alcohol, I would ask the Licensing Committee for reassurance that the new management has either demonstrated it has no connection to the problems and lack of consideration for children's welfare that led to the revocation of the licence, and that they set out a transparent and auditable approach to safeguarding children in future.

I would expect that an applicant would understand this concern and that if reassurances are insufficient, Children's Services, as a Responsible Authority under the 2003 Licensing Act would oppose grant of licence on the grounds of prevention of harm to children.

Yours Sincerely



Wendi Ogle-Welbourn
Assistant Director for Strategy, Commissioning & Prevention

Our ref: AL/mw

20 March 2013

NHS Cambridgeshire and NHS Peterborough
working in partnership

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Dear Licensing Team

License application: 613 Lincoln Road (ref: 66813)

Thank you for sending us a copy of this license application. I note that this application not only relates to a premises in the "Operation CAN-Do" area, but also to an address subject to a review and subsequent licence revocation earlier this year.

We have particular concerns for the Operation CAN-Do area in terms of problems relating to alcohol. Public Health supports the partnership approach to concerns for community cohesion and anti-social behaviour. We have seen police data showing crime and ASB to take place late into the evening in the Lincoln Road area and our own analysis shows the area to have the highest density of licensed outlets in the city already. Alcohol-related hospital admissions from wards in the area are among the highest for any neighbourhood in Peterborough which already suffers a rate higher than the national average. The Millfield area enjoys a particularly diverse population, including many from other European Union states and World Health Organisation data shows considerably higher rates of liver cirrhosis among people from Lithuania, Latvia, Poland and Portugal than the UK average. We believe it is important that we strive to reduce alcohol-related harm among all people living in our city and look forward to "health" becoming an objective under the Licensing Act, as currently proposed by government. We have supported the development of proposals for a cumulative impact policy for the area which we hope will be successfully implemented in time and contribute to health and wellbeing and community cohesion in the Operation CAN-Do area.

However, our concerns for the license application in question go beyond our general concerns for the area and we believe enable us to raise concerns under the existing licensing objectives, namely prevention of crime, public safety and protection of children from harm.

The Licensing Committee will recall the recent review of the premises at 613 Lincoln Road on January 28th. The review related to the sale of alcohol and tobacco upon which HMRC was satisfied no UK Excise Duty had been paid. We also learned that there had been incidents of sales of alcohol to children. It is important that any new licensee is able to demonstrate to the authorities and the local community that they will manage the premises correctly.

Alcohol misuse is the third greatest contributor to ill-healthⁱ and we have an objective to reduce alcohol-related hospital admissions and the associated health burden upon individuals, families and the community. Smoking is the primary cause of preventable morbidity and premature death, accounting for 81,400 deaths in England in 2009ⁱⁱ. In England, deaths from smoking are more numerous than the next six most common causes of preventable death combined (and given that it is estimated that alcohol misuse costs the NHS in England £3.5bn per yearⁱⁱⁱ), the associated costs for

smoking related diseases is therefore also significant). Tobacco use has a devastating impact on public health in our communities causing harm not only to smokers but also to the people around them. In England 1 in 5 adults smoke while in Peterborough 1 in 4 adults smoke.

I concluded my letter of 3rd January regarding the license review for 613 Lincoln Road as follows: “alcohol and tobacco are dangerous drugs and we consider national strategies, taxation policy and licensing legislation to be important contributors to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable. We consider deliberate non-compliance with the law in relation to selling alcohol and illegal tobacco very serious issues and where proven would support tough sanctions, including withdrawal of a license, towards individuals whose actions indicate insufficient regard for the public’s health and wellbeing.”

Given there is very limited information given in this application regarding improved future management and in the light of recent events I would strongly urge the Licensing Committee to consider whether the current application will sufficiently alter and improve the management of the premises. If not, I am concerned that there could be a repeat of previous illegal activity and disregard for the safety and health of people in the neighbourhood, including children.

Yours sincerely



Dr Andy Liggins
Director of Public Health

ⁱ Global Health Risks, WHO

ⁱⁱ Department of Health, 2010

^[iii] Department of Health, 2012

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