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Sent: 29 September 2023 16:28

To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>

Subject: FW: Objection Catford Food Centre

Good Afternoon Richard

Re: Full Variation – Catford Food Centre 91 Rushey Green SE6 4JD

Please accept this as my objection to the above-mentioned application.

Introduction

1. Under section 13 of the Licensing Act 2003, the licensing authority is a 'responsible authority' and is entitled to make a relevant representation regarding an application for a premises licence.
2. Under section 4 of the Licensing Act 2003, the licensing authority must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 (The Guidance), when carrying out its functions.
3. I have had regard to paragraphs 9.13 to 9.19 of the Guidance and can confirm that I am acting for the responsible authority, and I have not discussed the merits of this application with those involved in making the determination of this premises licence application, or with the officer handling the application.
4. Acting as the responsibility authority, I have considered the Licensing Act 2003 and the associated regulations, the Council's licensing policy, and The Guidance when assessing the application and the supporting documents given by FK Food Centre Limited (the applicant).

Application for a variation to premises licence PL0004.

5. The applicant proposes to remove the condition on the current licence at Annex 3, number 1:

that 'Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises'.

6. The applicant proposes to replace the above condition with:

'Mr Hassan Sircan will be excluded from any involvement in the ownership and/or management of the business but he is permitted to be employed on the premises'.

7. The application also proposes that Mr Sircan will be:

“Employed on the premises under the supervision of the premises licence holder or the designated premises supervisor. Mr Sircan will not be left unattended at the premises or have any involvement in the management of the premises”.

Observations

8. On 16 October 2019, the licensing authority revoked premises licence PL0004 following a review of the licence. The grounds for the review were that Mr Hassan Sircan allowed illegal working at the premises.
9. The licence holder appealed against this revocation and a hearing was listed for 18th March 2020 at Bexley Magistrates Court.
10. On 17th March 2020, the licence holder agreed a Consent Order (attached). The Consent Order was sealed by Bexley Magistrates Court on the same day.
11. This application proposes that Mr Sircan would be excluded from any involvement in the ownership and/or management of the business. However, on checking the business rates record for this premises Mr Sircan is jointly liable together with Mr Kacar who is the sole Director of FK Food Centre Limited, the current premises licence holder. This shows continued and direct involvement with the ownership and/or management premises.
12. The premises licence authorises licensable activities for 24 hours per day. The application proposes that Mr Sircan will be supervised at all times, will not be left unattended at the premises, and will not have any involvement in the management of the premises.
13. The licensing authority is concerned that the licence holder would be unable to manage this effectively during the whole 24 hours the premises are authorised to provide licensable activities. Mr Kacar is the sole director of FK Food Centre Limited, and he is also the designated premises supervisor for this premises. Consequently, he would need to be present at all times when Mr Sircan is employed on the premises. If Mr Kacar were to step out of the premises for even a minimal amount of time when Mr Sircan is working on the premises, this requirement would not be met. In these circumstances, Mr Sircan would effectively be responsible for managing the premises in Mr Kacar’s absence.
14. Paragraph 1.17 of the Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) states amongst other things, that licence conditions should, be capable of being met. For the reasons stated above, the licensing authority believes that the licence holder would not be able to meet the requirements of this condition.

15. Paragraph 2.3 of the Guidance states that conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. Paragraph 10.10 goes on to say that might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises.

16. In view of the previous illegal working at the premises which lead to the revocation of the licence, we would expect the licence holder to have considered this risk when considering the employment of Mr Sircan, and proposed measures to mitigate the risk in order to promote the licensing objectives. This is because Mr Sircan was the DPS and the sole director of Sircan Food and Wine Limited (the licence holder) at the time of the previous review and revocation of the premises licence for allowing illegal working at the premises.

17. The licensing authority is concerned that if this application is granted as requested, the proposed condition would not be capable of being met. In addition, and in view of Mr Sircan's recent management of the premises and the subsequent revocation of the premises licence, this condition is not appropriate for the promotion of the licensing objectives given the severity of the previous disregard to the immigration laws.

Best regards

Angela Mullin-Murrell

Safer Communities Officer (Licensing Team)

Safer Communities Service

Community Services

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Please forward all emails to licensing@lewisham.gov.uk where an officer will be able to assist you.