

**Written representation from Licensing Authority 18.02.2020:**

Sadettin Guler director for Fora Trading Ltd has applied as a limited company for a premises licence at 13-15 High Street, Staines-Upon-Thames TW18 4QY. The application seeks a licence for the sale by retail of alcohol from 11.00am-23.00pm everyday Monday-Sunday (inclusive).

Fora's agent, Benchmark Licensing has advertised the application in The Surrey Advertiser on 31 January 2020. A notice check was conducted at the premises by the Licensing Team on 31 January 2020 and the required blue notice was on display.

The last date for representations is 19 February 2020. The Licensing Authority, Spelthorne Borough Council objects to the premises licence application for Fora.

Under Spelthorne Borough Council Statement of Licensing Policy 2019-2024 point "3.0 - section 4 of the Licensing Act requires the Licensing Authority to carry out its licensing functions with a view to promoting the Licensing Objectives, which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Decision making will be based on promoting these licensing objectives. Decision makers will also have regard to this policy document and any guidance issued from time to time by the Secretary of State."

The Licensing Department objects on the grounds of the 'prevention of crime and disorder'.

**Previous application:**

Fora previously applied for a premises licence on 19 October 2019. This application was submitted by an agent called Halit Ertas. The proposed licence holder and DPS was Gurhan Cetin. The last date for representations was 26 December 2019. The Licensing Department received no valid objections to the application.

The Licensing Department confirmed via telephone to the licensing agent for Fora that the licence was granted as no representations had been received. The Licensing Department emailed the agent on 3 January 2020 to advise that they had gone to issue the premises licence however, they were experiencing an ICT issue and would not be back in the office until 13 January 2020. However, in the meantime the newspaper advertisement where the application was advertised needed to be sent to us for our records. No reply was received from the agent and the Licensing Department chased the agent on 13 January 2020 via email and two whatsapp messages were sent to him.

We were advised by the agent on 14 January 2020 that the advert was not placed in the newspaper because apparently the client (Fora) had not paid for it. The Licensing Department advised that licensable activities must cease with immediate effect and I attach a copy of this email as **Annex A**.

The Licensing Department spoke to Gurhan Cetin on the telephone at 17.02pm on 14 January 2020 and advised that the licence application he made (form is dated 19.10.2019) was void because the statutory requirements to advertise in the local newspaper have not been complied with. He was advised he needs to submit a new application form and pay again. He was advised to remove all alcohol from display and that he was not allowed to sell alcohol. He was also advised that if they submit a new application then we would be submitting a representation.

**15.01.2020 Meeting:** Following the discovery of Fora not complying with the Licensing Act requirements to advertise the application The Licensing Department met with Sadettin Guler (Director of Fora), Gurhin Setina and Soner Mulougim (Manager of Staines Fora). The meeting was scheduled as the agent had not advertised the premises licence application submitted on 19 October 2019 in the newspaper, as required by licensing legislation. Sadettin said he was just as surprised as the Licensing Officer that there was that no newspaper advert circulating in the locality. Sadettin advised that they had paid the agent £443 on 24 October 2019. The Licensing Department advised that they needed to apply for a new premises licence and pay again and it was recommended that they get a licensing Solicitor. The Licensing Department noted that there were wine glasses on the table, wine in 2 of the fridges, spirits by the bar at the sink behind the counter and wine behind the counter. It was explained by the Licensing Officer that the alcohol needs to be removed and not on display. They were also advised to let people know who had bookings that they have no licence. The Licensing Officer was advised that no alcohol had been served since 31 December 2019.

We received information from Surrey Police on 16 January 2020 that someone had been sold a bottle of Prosecco at Fora on 15 January 2020. We were advised that they were served by a middle aged gentleman and there was no issue with them ordering a bottle of prosecco to drink along with a meal, which was supplied with glasses.

A letter was sent via email to Mr Guler on 17 January 2020 and the same letter was sent via post on 17 January 2020 to Gurhan Certin. A copy of these letters are attached as **Annex B**. I received acknowledgment via email from Mr Guler at 16.42 on 17 January that he received my email.

**20.01.2020-** The Licensing Department visited Fora Restaurant and Soner was at the premises. There was prosecco in the fridge behind the bar and a box of wine on the floor behind the bar. Mr Certin was at the premises and advised that the CCTV is working but no one at the premises knows how to use it. The Licensing Department arranged to come back at 1pm on Friday. Soner advised me that he made a mistake on Thursday and gave away 6 glasses of wine to a group booking and didn't charge. He said he also gave free wine to other customers on Friday. The Licensing Department advised that they cannot display alcohol.

**27.01.2020-** A visit was carried out by the Licensing Team to Fora on 27 January 2020. The manager, Soner was present. He told us that he is related to the owner. We checked the cabinets behind the serving counter. No trace of alcohol, only soft drinks. When we explained that we wanted to view the CCTV, Mr Mulayim told us he couldn't operate it. Another member of staff operated it for us.

We started viewing the footage for the evening of 15<sup>th</sup> January. (The time in CCTV is incorrect, so times stated are from the times seen on footage). Footage timed from 6.55 shows Soner behind the serving counter. He takes a bottle from one of the cabinets behind the serving counter. It has the size and dimensions of a wine bottle, and is dark coloured as if it contains red wine. He takes this bottle and 2 wine glasses over to 2 women who are seated at one of the tables in the public part of the restaurant. He turns so that his back is to the camera. We see his right hand and arm moving in a twisting movement that is consistent with using a corkscrew to open a bottle of wine. Once this is done, he turns to one of the women and pours a small amount from the bottle into a glass. She raises the glass to her lips and drinks. The actions are consistent with someone having an initial taste of wine before accepting more. Soner then pours more into her glass and into a glass for the other women. When we questioned about this, he admits to serving a bottle of wine to the women. He denies selling them the wine, and claims he gave it to them because they had been there 4 or 5 times since they opened.

Further viewing at 07.04 showing shows Soner behind the serving counter with what appears to be a bottle of champagne or other sparkling wine. This is served to a male and a female at another table in the restaurant. When asked about this, Soner admits to it being champagne, but claims that the man and woman brought the bottle with them to the restaurant. We checked more of the footage. There is no sign of either the woman or the man bringing a bottle into the restaurant, or giving it to Soner or the other waiter who was present.

Further into the footage, the other waiter is shown placing what looks like a metal wine cooler on the serving counter. It contains an empty bottle which looks like a wine bottle. Soner takes this bottle out and replaces it with a full looking wine bottle. The other waiter then carries that away from the counter.

We also examined the bills for meals served at the restaurant on 22.01.202, 23.01.2020, 21.01.2020, 25.01.2020 and 26.01.2020. The bills do not show alcohol being sold. However, the bills for 15<sup>th</sup> January were not available for us to view. A request was then made for a copy of the CCTV footage for 15<sup>th</sup> January, and a copy of customer's bills for that day.

**31.01.2020:** On 31 January 2020 the Licensing Authority visited Fora and met with Marcos Sebastian, the interim Manager. Marcos did not have his personal licence on him but said he had flown in from overseas. He advised that Soner was Sadettin's ex business partner. The Licensing Department took a copy of the CCTV for 15 January 2020 and till receipts and overall till receipt for 15 January 2020 which details sale of:

- 1 bottle of prosecco at £26.50
- 4 Efes Pilsen Draft at £21.00
- 1 Kavalidere White 250ml at £7.25

A copy of the till receipt for 15 January 2020, along with the alcohol menu is attached as **Annex C**.

**Reasons for Objection:**

Mr Guler supplied me with a business card when I met with him on 15 January 2020 which I attached as **Annex D** along with a business card supplied by Marcos Sebastian. Fora have two other restaurants one at 34-36 Houndsditch London, EC3A 7DB and 11 Circus Road, London NW8 6NX. Sadettin Guler has been director for Fora Trading Ltd since 5 June 2019. The business card states that Mr Guler is 'owner'. It is fair to say that Mr Guler is an experienced restaurant operator. Both of his London restaurants sell alcohol. Mr Guler holds a personal licence. In order to obtain a personal licence you must undertake a Licensing qualification and consequently he understands Licensing legislation and his requirements under the Licensing Act 2003.

The Licensing Department does not accept that there was any confusion on Fora's part that they had a licence to sell alcohol after they were informed on 14 January 2020. The Licensing Agent, Halit was told via telephone and email on 14 January 2020. It is normal practice when an applicant uses an agent that communication is done via the agent not the applicant directly. However Mr Cetin was told by telephone conversation on 14 January 2020 as well. A visit was made at the first possible opportunity on 15 January 2020 and the director Mr Guler was present.

The section 182 Licensing Act 2003 guidance states at "2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. **It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.** A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety."

The Licensing Department appreciates that Soner is no longer connected with the premises and that this has been offered as a condition. However it is extremely concerning that Mr Guler who is the proposed DPS and Director of Fora was at the meeting on 15 January 2020 and was aware that alcohol was not allowed to be sold as there was no licence in place. However, alcohol was allowed to be sold by Mr Guler's manager just hours after the meeting. This demonstrates poor management competency which could give rise to issues of crime and disorder and public safety and disregard for the licensing regime. The Licensing Department is concerned that the prevention of crime and disorder licensing objective has not been adhered to and are concerned how it will in the future when Mr Guler is director of Fora.

In summary, Mr Guler is an experienced restaurant owner and licence holder and we are concerned that should a licence be granted to Fora it would undermine the Licensing Objectives.