

Sadettin Guler

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Our ref: Fora Restaurant

Date: 17 January 2020

Dear Sirs

LICENSING ACT 2003

FORA RESTAURANT, 13-15 HIGH STREET, STAINES UPON THAMES, TW18 4QY

I write further to the above premises and outline the timeline of events for ease of reference:

- The last day for representations is 26 December 2020.
- I advise Halit the agent from Northpoint via email on 3 January 2020 that I was going to issue the premises licence however I was having an ICT issue and would be back in the office on 13 January 2020. I asked him in the meantime to send me the newspaper article. I advised the licence was granted in good faith that they had advertised the application.
- On 13 January 2020 I chased Halit via email at 17.41 as I had received no reply. I also sent him two whatsapp messages advising I need to speak to him and that I need the newspaper advert.
- I spoke to Trinity Newspaper Group on 14 January 2020 who advised me that an advert was cancelled and no advert has been made in their newspaper as far as they could tell.
- Halit advised me on 14 January 2020 that the newspaper advert was not submitted for your Premises Licence application because allegedly the client did not pay for it. Apparently this only came to his attention that day. Halit is advised on 14 January 2020 via telephone and email that licensable activities must cease with immediate effect.
- I speak to Gurhan Cetin on the telephone at 17.02 on 14 January 2020 and advise that the licence application he made (form is dated 19.10.2019) is void because the statutory requirements to advertise in the local newspaper have not been complied with. I advised he needs to submit a new application form and pay again. I advised him to remove all alcohol from display and that he is not allowed to sell alcohol. I also advised that if they submit a new application then we will be putting a representation in.
- I met on 15 January 2020 at the premises: Saaettin Guler (Director for Fora), Gurhan Cetin and Soher Mulougim (Manager of Staines For a). Mr Guler advised he is just as surprised as I am that the newspaper advert was not put in the newspaper and he states he paid Halit £443 on 24 October 2019. I advised he needs to apply for a new licence and pay again. It is apparent that there is miscommunication between Fora and Halit and I recommend they put in writing what has gone wrong with them not putting the application in the newspaper.

- I noted at the above meeting there was wine glasses on the tables and alcohol in the two fridges behind the bar, spirits in the bar by the sink and more bottles of alcohol under the counter (these ones were out of sight for the customer). I explained that it needs to be removed from display. I advised them to let people know who have bookings that they have no licence.
- I was advised that they have not sold alcohol since 31 January 2019.
- On 16 January 2020 I explain to Halit on the phone that they need to apply for a new premises licence.

So there is no confusion please take note of the below offences under the Licensing Act 2003 (both of which have unlimited fines):

136 Unauthorised licensable activities

(1) A person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

(2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—

(a) performs in a play,

(b) participates as a sportsman in an indoor sporting event,

(c) boxes or wrestles in a boxing or wrestling entertainment,

(d) performs live music,

(e) plays recorded music,

(f) performs dance, or

(g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).

(3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F1a fine]**, or to both.

(5) In this Part “authorisation” means—

(a) a premises licence,

(b) a club premises certificate, or

(c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

137 Exposing alcohol for unauthorised sale

(1)A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(2)For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F2a fine]**, or to both.

(4)The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

You have now been formally told in writing as well as the above that you have no premises licence and therefore no licence to sell alcohol at Fora Restaurant Staines (address above). Should we find that alcohol is sold or exposed for sale then we may consider prosecuting you and will put a representation against any application you make for a premises licence at the above premises.

I trust this is clear but please contact me if you need clarification.

Yours faithfully

Lucy Catlyn
Licensing Enforcement Officer

The Licensing Spelthorne Privacy Notice can be read at:
<https://www.spelthorne.gov.uk/article/15990/Privacy-Notice---Licensing>