

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
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**Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.**

**Part A – Items considered in public**

<p><b>A1</b></p>	<p>APPLICATION TO REVIEW A PREMISES LICENCE - SPARKLING FOOD &amp; WINE, 4 ELM PARADE SHOPS St NICHOLAS AVENUE, HORNCHURCH RM12 4RH</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p>PREMISES</p> <p>Sparkling Food &amp; Wine 4 Elm Parade Shops St Nicholas Avenue Hornchurch RM12 4RH</p> <p><b>DETAILS OF APPLICATION</b></p> <p>The application for a Review of the Premises Licence was made by PC Belinda Goodwin on behalf of the Metropolitan Police under section 51 of the Licensing Act 2003. The application was received by Havering Licensing Authority on 18 January 2017.</p> <p>APPLICANT</p> <p>PC Belinda Goodwin, On behalf of the Commissioner of the Metropolitan Police Service, Romford Police Station, 19 Main Road, Romford RM1 1BJ</p>
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**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p><b>1. Details of existing licensable activities</b></p> <p>The venue has a Premises Licence number 10893 which permits Late Night Refreshment Sunday to Thursday 23:00 to 03:00, Friday &amp; Saturday 23:00 to 04:00. The licence was transferred to the current holder Mr Sercen Ates 7 December 2015. Mr Sercan Ates is also the Designated Premises Supervisor for the premises.</p> <p><b>2. Grounds for Review</b></p> <p>The application for the premises licence review had been served under section 51 of the Licensing Act 2003 under the following grounds:</p> <ul style="list-style-type: none"> <li>• The premises licence holder is failing in his responsibility to promote the licensing objectives further to the prevention of crime and disorder and the protection of children from harm</li> <li>• The premises have been found to supply alcohol to persons under the age of 18</li> <li>• The premises licence holder was found to be in breach of the premises licence conditions</li> <li>• Incidents of anti-social behaviour have been associated with the premises</li> </ul> <p>The Police were primarily concerned about the lack of regard the premises licence holder had in the promotion and upholding of the licensing conditions, the prevention of crime and safety of children from harm.</p> <p><b>3. Details of Representation</b></p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p><b>Metropolitan Police</b></p> <p>PC Belinda Goodwin, on behalf of the Metropolitan Police Service addressed the Sub-Committee requesting to submit a witness statement on the event of 11 November 2016. Copies were circulated to all parties at the hearing.</p> <p>The statement outlined that PC Sheppard was the local designated ward officer for Elm Park area and had been deeply involved with the anti-social behaviour and criminal offences in the area. That he was in frequent communication with local residents and general public that frequents the area, PC Sheppard’s statement expressed that one particular concern was the involvement of the convenience store Sparkling Food and Wine in the investigation.</p> <p>The witness statement detailed that the outside of the store was frequented by youths younger than 18 years and seemingly friends with the employees at the premises. PC Sheppard had frequently spoken to the youths most often after 18:00 hours and later at night. Local resident who often walked through the parade of shops often stated that they felt intimidated and threatened by the large groups outside the premises. Some reports have previously suggested that drugs had been sold from the premises as people who frequented the shop were later seen smoking drugs in the car park opposite the premises. The same people often played loud music in their cars and persistently do handbrake manoeuvres and race around the area causing noise disturbance to the residents. The Sub-Committee noted that staff members at the premises have been repeatedly spoken to about the group of people loitering outside the store and reminded of their licensing conditions. The statement further stated that staff at the premises responded that they were not aware of the groups loitering outside on an all most daily basis. Most recently a staff at sparkling Food &amp; Wine was seen on CCTV to be liaising with a group outside when an incident occurred which resulted in a person been severely assaulted and injured. The staff was seen actively involved in the incident which lasted a couple of minutes, chasing after and holding back youths suspected of the assault but however</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>did not provide a statement stating he was unable to recall anything due to the incident being a blur.</p> <p>PC Sheppard witness statement goes on to state that the group that often loitered outside the premises were frequent offenders for anti-social behaviour in the Elm Park area and were frequently drinking under age causing a nuisance to the local residents as well as committing other crimes. Local residents have also suggested that alcohol was sold to the youths from the store, CCTV footage identified one under 18 year old leave the premises with a black bag and then produce a bottle of beer from the bag and hand it to other youths outside the store. Whilst investigating this and other local incidents, PC Sheppard had been to the store to request CCTV recordings on multiple of occasions however the staff at Sparkling Food &amp; Wine stated that the system regularly crashed and was unable to download the footage without consulting another person who does the serving of the unit.</p> <p>PC Sheppard witness statement stated that this had been the case on multiple of occasions and the instance the footage was provided, it was the wrong day's footage. Further to speaking to staff at the premises, PC Sheppard was informed that the footage had been lost due to the system needing to be reformatted to prevent further crashes.</p> <p>PC Sheppard's witness statement concluded that it was his opinion that Sparkling Food &amp; Wine did contribute to the anti-social behaviour in the area and this would continue as the premises was not taking the necessary precautions and measures to prevent these issues.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
----------------	-------	----------

		<p>The Sub-Committee noted that the premises was situated within a busy town centre with a high volume of off licences in the area, Sparkling Food &amp; Wine was one of five and there were also two supermarkets in the area. It was stated that the area had a large proportion of anti-social behaviour that involved the younger residents.</p> <p>The Sub-Committee noted the following other grounds for review:</p> <p>That on 31 December 2016 at around 20:00 hours a group of young males were stopped by the Police who noticed that the males had a large quantity of alcohol in their possession, they stated that they had bought the alcohol as they were going to a house party. Police conducted checks on the males and two of them who had bought the alcohol were under 18 years.</p> <p>On 6 January 2017, the Police attended Sparkling Food and Wine and issued a Police penalty notice to an employee of the venue, Ahmet Arslan for the sale of alcohol to a persons under the age of 18yrs. Mr Ahmet Arslan admitted to the offence and admitted that he did not ask for relevant identity as he thought that the males looked over 18 years old.</p> <p>PC Goodwin stated that the Police had since sent two e-mails and left numerous messages for the Designated Premise Supervisor to contact the Police and he had failed return any of the messages. The Police have been left with no alternative but to seek a review of the premises licence as there were serious concerns around the Protection of children from harm and the Prevention of public nuisance.</p> <p>The Police Licensing Officer stated that the premises had come to the attention of the Police since 2012. There was information on 19/05/2012 stating that groups have been</p>
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**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>gathering in the car park opposite the store who are often rowdy and seem to be taking drugs that they are getting from the premises. There was a heavy smell of cannabis in the air and lots of nitro oxide canisters scattered all over the floor of the car park opposite the premises.</p> <p>On 15 January 2015, volunteers entered the store and purchased a bottle of Blossom Hill Rose wine priced £4.99. The staff did not challenge or ask to see an identity card as a proof of age from the volunteers. The Police and other responsible authority entered the premises and pointed out the offence of selling to underage persons. The staff stated he thought they were at least 21. It transpired that the staff in attendance was the only person on duty and also the DPS - Mr Sercan Ates remains the DPS at the premises.</p> <p>On 4 June 2015, the Police were informed that every day from 20:00 hours onwards to the early hours of the morning, a group of between 5-10 youths were always loitering outside the store, sitting around in cars playing music and drinking alcohol. Information gathered from a public meeting detailed that the venue was regularly selling alcohol to children.</p> <p>The Police pointed out to the premise licence holder that one of the condition of their licence was to take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate. In response, a staff at the premises stated that he was not aware of this condition on the licence.</p> <p>The Police also had information that youths were always hanging around the outside of the shop and often seen speaking to persons in vehicles which pull up outside the shop</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>for a few minutes and then leave.</p> <p>On 24 March 2016, the Police Central Licensing team attended the premises and conducted an inspection in the presence of Mr Kemal Arslan. The Police found that there were 4 breaches of the conditions on the premises licence:</p> <ul style="list-style-type: none"> <li>• The premise licence holder shall ensure that a staff member from the premise who is conversant with the operation of the CCTV system shall be on the premise at all times when the premise is open to the public.</li> </ul> <p><b>There was no one at the premise present who could operate the CCTV system satisfactorily.</b></p> <ul style="list-style-type: none"> <li>• The premise licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers on request.</li> <li>• The premise licence holder shall ensure that refresher training shall be satisfactory completed every 6 months for all staff and documented as above.</li> </ul> <p><b>No refresher training records for staff was supplied on request.</b></p> <ul style="list-style-type: none"> <li>• The premise licence holder shall ensure that an incident log shall be kept at the premises and made available on request to an authorised officer of the council or the police which shall record incidents</li> </ul> <p><b>There was no incident log on site on request.</b></p> <p>Officers had call to go into the premise to ask for CCTV following another incident within the vicinity. The CCTV kept on crashing and jumping and it would not work.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>Local police attended up to 5 times in order to retrieve the footage and there was an excuse from staff saying that they were waiting for the system to be serviced. This was not reported or dealt with at the time. Police attended the next day to obtain the footage the staff member who was on duty was unable to do this and search the CCTV and said to come back when his brother was in, this was yet another breach of condition 11 above.</p> <p>On 27 September 2016, the Police attended the store to enquire about a CCTV footage to assist into an investigation on a robbery. The footage had been asked previously and the officers were told that this would be placed onto a USB stick, but when officers watched the footage it only contained 6 mins of footage and then cut off, when officers asked for the footage again they were told that the CCTV had been reformatted and that all that footage had now been erased. The missing footage was likely to show a male purchasing alcohol for youths that were hanging around inside the shop.</p> <p>On 25 November 2016, the Police were called to the venue to a male who had been attacked as part of a road rage incident and the suspects entered the venue and grabbed a bottle. The staffs in the premises were able to assist with the victim. However, it since appears that the staff knew who the suspects were as the main witness, Mr Ahmet Arslan had failed to assist the Police with an identification parade in order to identify the suspects during the incident.</p> <p>The Police visited the premises on 1 November /2016 at 15:11hours and requested that Mr Kemal Arslan produce the training records but he was unable to locate it. A request of CCTV footage was also requested but Mr Arslan responded that he was awaiting a new system drive for the CCTV system. Mr Arslan was informed that he had</p>



**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>7 days to get the CCTV system fixed.</p> <p>The Sub-Committee noted that the Police Licensing Officer returned to the premises on 5 November 2016, Mr Arslan was present along with another staff. Before entering the premises, the officers observed four young girls enter the shop, they loitered inside the shop for around 10 minutes before leaving empty handed. Once we went in I asked Mr Arslan if the CCTV had been fixed and he said yes, I asked him to work it and he couldn't do it. Whilst we were there Ahment Arslan came out from the back and he was making excuses why the CCTV was not working. I told him that this had been going on for some time now and that this had to be fixed as they are in breach of their licence.</p> <p>PC Goodwin stated that since the November 2016 visits, she had tried to make contact with the DPS Mr Sercan Ates on four occasions, sending two e-mails and two telephone messages but no response had been received.</p> <p>The Police Licensing Officer concluded that the premises had continued to be a hub for the young within the town and the Police now had evidence that proved that staff at Sparkling Food &amp; Wine sold alcohol to a person under the age of 18 years. The Police were of the view that no due diligence from the staff or the DPS was demonstrated as staff were totally disregarding their responsibilities for the premises.</p> <p>PC Goodwin therefore asked that the licensing sub-committee revoke the alcohol licence as the Police believe that whilst the premises was being operated in this manner there was further risk to the children who may frequent the premises. It was also clear that the premises and DPS do not adhere to the condition not allowing customers to loiter outside the premises as this was a constant problem that residents</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>continue to complain about.</p> <p>Havering’s Licensing Authority had made a representation in support of the review of the premises licence submitted by the Metropolitan Police.</p> <p>Mr Campbell outlined that the representation as a Responsible Authority supporting the review was based on all four of the licensing objectives.</p> <p>Mr Campbell stated that on 18 January 2017 following receipt, he followed the authority’s set procedure in receiving the review application and on the next day attended the premises to install the public notice at the venue on light blue paper.</p> <p>Present at the premises was Mr Ahmet Arslan who Mr Campbell assumed to be the DPS Mr Sercan Ates.</p> <p>Mr Arslan explained that they had not opened their email account and as such was unaware of the review application. A printed copy of the review application was handed over to Mr Arslan and the review procedure was also explained to him. The Sub-Committee noted that Mr Campbell also stressed the seriousness of the matter and explained the possible outcomes of a review hearing.</p> <p>Mr Campbell took the opportunity to undertake a full licensing inspection at the venue going through each condition with Mr Arslan checking that they were being kept to and that the required elements relating to each condition were in place.</p> <p>The Sub-Committee noted that out of the 32 conditions listed on the premises licence five were not in place or being kept to in an adequate way.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>Mr Campbell was pointed out Mr Arslan at the time and informed him that he would be re-inspecting the premises before the end of the representation period and that his findings would be presented to the Licensing Sub-Committee. Mr Arslan reassured the Licensing Officer that these issues would be rectified. A record of the inspection and findings were recorded and a letter sent addressed to Mr Ates by post and email.</p> <p>The Sub-Committee noted that Mr Ates's sister telephoned Mr Campbell to discuss the review application and arranged an appointment to meet at the premises. During the visit, Mr Campbell re-inspected the premises on 6 February 2017 in the presence of Mr Arslan and concluded that 4 of the 5 conditions that were previously highlighted were still not in place or being carried out correctly.</p> <p>This was again pointed out to Mr Arslan who again gave reassurances that these points would be rectified. The findings were detailed in a letter and sent to Mr Ates by email and a letter was delivered by hand to the premises.</p> <p>In Mr Campbell's opinion the five items found not to be correct at the premises may be considered to be minor in comparison with other conditions on the licence, but after the Police had made an application to review the licence, the seriousness of the matter was explained to Mr Arslan, failing an inspection during the first visit and being informed that a re-inspection would take place within 28 days, it was expected that on the second inspection that everything would be in perfect order with all supporting documentation being in place and available for viewing but this was not the case. Mr Campbell informed the Sub-Committee that it was difficult as a Licensing Officer to have any confidence in the management at the premises in dealing with the selling of alcohol in accordance with the regulations when they failed to comply with even the simple conditions of their licence such as placing correct signage around the venue.</p> <p>Mr Campbell stated that Mr Ates had been the licence holder and DPS for the premises since</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>14 May 2014, and as detailed in the review application, there have been incidents of alcohol being sold to persons under 18 years of age and breaches of licence conditions both of these are offences.</p> <p>The Sub-Committee was informed that Havering's Licensing Policy 10 states that - <b>The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent the sale of alcohol to underage children;</b> the evidence shows that this was not taking place at the Sparkling Food &amp; Wine.</p> <p>Mr Campbell also stated that Havering's Licensing Policy 20 stated the Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Premises within 400 metres of schools or colleges should consider licence conditions to control the products offered for sale and on display in windows. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including review of licenses, where sales persist.</p> <p>The Sub-Committee was informed that Sparkling Food &amp; Wine was failing to protect children from harm by allowing alcohol to be sold to persons under the age of 18.</p> <p>Mr Campbell also detailed Havering's Licensing Policy 25 that details the full range of powers available to the authority when a review of a premise licence becomes necessary.</p> <p>The authority noted that the supply of alcohol was the only licensable activity that is licensed at the premises. Mr Campbell informed the Sub-Committee that there were no conditions that could be added that would prevent future offences.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>If the DPS Mr Ates was removed, the premises was a family business it would be very difficult to prevent Mr Ates from being involved in the running of the business. If the licence was to be suspended, this may enable the management to get things into correct order at the venue but as the Licensing Officer, Mr Campbell stated that he had little confidence in this happening as the premises had failed to comply with the conditions pointed out to them directly after the review application was made.</p> <p>On revoking the premises licence, Mr Campbell was of the view that this was the only certain way to prevent further offences taking place at the premises.</p> <p>Mr Campbell concluded that in policy considerations, he referred to Licensing Policy 1 that mentions areas of cumulative impact.</p> <p>Sparkling Food &amp; Wine is situated in St Andrews Ward which is a cumulative impact area but at the edge of St Andrews Ward in Elm Park that is not directly affecting Hornchurch Town Centre.</p> <p>Havering's Trading Standard also made a representation in support of the review of the premises licence submitted by the Metropolitan Police.</p> <p>Ms Sasha Taylor addressed the Sub-Committee that in the opinion of the service the premises had failed to promote the licensing objectives in relation to the protection of children from harm and prevention of crime and disorder.</p> <p>It was stated that the current premises licence was transferred to Mr Sercan Ates on 30 April 2014 and he has been both the designated premises supervisor (DPS) and premises licence holder since then.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>The premises is situated in a small busy town centre with a car park opposite the shop it is less than a mile from seven local schools, and also had an entrance to Harrow Lodge Park at the end of St Nicholas Avenue.</p> <p>In January 2015 Trading Standards received a complaint from a local resident alleging that youths of secondary school age had been seen hanging around the premises on a regular basis and going to the rear of the shop in an usual manner. As a result of this complaint the premises was scheduled to receive an underage sale test purchase. On 15 January 2015 a test purchase operation was conducted using two underage volunteers, one male and one female, both aged 16. During the operation a bottle of Blossom Hill wine was sold to the volunteers by the designated premises supervisor, Mr Sercan Ates. At no stage were the volunteers challenged as to their age or asked for any form of identification.</p> <p>The representation also detailed that seven premises were visited and Sparkling Food and Wine was the only premise that sold alcohol to the volunteers.</p> <p>During the visit Mr Ates claimed to operate a Challenge 25 scheme however also stated that he thought the volunteers were 21 which was why he did not challenge them. This indicated a clear misunderstanding of how a challenge 25 scheme operated. During the visit Mr Ates refusal log was also checked. The last entry in the refusal log was 9 April 2014; nine months previously. The refusal log had therefore not been used since Mr Ates took over the licence.</p> <p>The Sub-Committee was informed that Mr Ates had obtained his personal licence in April 2014 and should have been aware of his obligations under the Licensing Act. Following the underage sale Ms Taylor visited the premises and met Mr Kemal Arslan who was working on his own in the shop at the time, Mr Arslan was not a personal licence holder. Mr Arslan could not locate the refusal book on the visit.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>It was also mentioned that during the visit, the CCTV system appeared to be working but Mr Asian was unable to operate it. Ms Taylor noted that Mr Ates was not present but was contactable on the telephone. Mr Ates was invited to attend an underage sales training course on 11 March 2015 to help him and his staff prevent further failures of underage sales. The Sub-Committee noted that Mr Ates accepted to attend the training and paid for the course during the visit however Mr Ates failed to attend the training scheduled for 11 March 2015.</p> <p>Trading Standards representation detailed that on 19 March 2015 Mr Sercan Ates attended a meeting at Mercury House, Romford with PC Davies and Licensing Officer Arthur Hunt. During the meeting all of the current licence conditions were clearly explained to Mr Ates. It was recommended that Mr Ates should implement an incident diary and write in the diary every day, beginning with who opens the shop, any complaints received and any other business. He was also advised that he could attend the next underage sales training course in July 2015 and that further test purchasing was likely to take place at his premises in the future.</p> <p>On 25 September 2015 at Barkingside Magistrates Court Mr Ates pleaded guilty to selling a bottle of wine to a person under the age of 18 for the underage sale made on 15 January 2015 and was fined £200 and ordered to pay £811.75 in costs.</p> <p>The representation from Trading Standard further added that on 13 August 2015 a further complaint was received from the local SNT officers via the Police Licensing Officer. The complaint alleged that there were reports of youths buying alcohol and drinking in the car park opposite Sparkling Food and Wine leading to numerous Anti-Social Behaviour calls in the area for a couple of months.</p> <p>As a result two further test purchases were attempted, one on 25 September 2015 and one on 27 July 2016. On the 26 September a 16 year old male volunteer was used. The volunteer was</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>asked for his age. Once the volunteer replied that they were 16 years old, the sale was refused. On 27 July 2016 a 17 year old male volunteer who attempted a purchase was asked for his identification and the sale was refused.</p> <p>The Sub-Committee noted that from the representation of Trading Standards the service believes that the premises licence holder and designated premises supervisor Mr Sercan Ates was not a responsible person as he personally failed an underage sales test purchase on 15 January 2015, failed to take basic precaution of asking the age or for valid photographic identification. That Mr Ates failed to effectively operate a challenge 25 scheme by not challenging volunteers as he assumed the young person looked 21 years old. And following taking over the business he had failed to operate the refusal log for 9 months.</p> <p>Trading Standards were concerned about the incident that took place on 31 December 2016 as identified by the Police. The incident again demonstrated further breaches of licence conditions resulting in a young person purchasing alcohol as therefore failed to uphold the licensing objective of protecting children from harm.</p> <p>The Sub-Committee noted that the service had attempted to work with Mr Ates in order to improve and prevent underage sales by meeting with the Licence holder and offering training sessions, however this had not prevented the incident in December 2016. In Trading Standards view, Mr Ates was either unwilling or unable to make the necessary changes at the premises to prevent underage sales.</p> <p>Trading Standards would support the Police in their request for revocation of the premises licence however if the Sub-Committee felt it was not appropriate the service would request that robust conditions are placed onto the premises licence to prevent further underage sales at the store.</p>



**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p><b>4. Response from the Premises Licence holder</b></p> <p>Mr Sercan Ates, Mr Ahmet Arslan and Ms Oznur Ates all spoke and responded on behalf of premises. It was indicated that the premises was a family run business owned by their father who was very ill with cancer.</p> <p>The Sub-Committee was informed that every shop in the parade had an issue with children hanging around the parade and public car park. It was stated that there was nothing within their power that they could have done to move on the young people in the car opposite the premises, often present in large numbers. It was mentioned that that the premises had since November 2016 installed a new CCTV system. This was also confirmed by Mr Campbell.</p> <p>Mr Sercan Ates accepted personal responsibility for the underage sales as detailed by the Police, that the incident was out of his character. Mr Ates informed the Sub-Committee that he been working in the trade for about three years and had been the DPS of the premises since 2014, he added that he had learnt from his mistake. Mr Ates confirmed that he understood his role as the DPS at the premises.</p> <p>The Sub-Committee was informed that there was an issue with the CCTV system only when it was in reviewed mode that meant it freezes the system and as such was unable to provide the Police with the required video recording.</p> <p>It was also mentioned that in the past the premises had assisted the Police with an enquiry, Mr Ates confirmed to the Sub-Committee that his brother was trained to operate the CCTV system.</p> <p>Mr Ates stated that during the inspection visit, he informed Mr Campbell that he had changed his email and contact number. The updated information was offered to the Licensing Officer.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>Mr Ates stated that he and two others brothers managed the operation of the premises on a daily basis, that the only time he was away from the premises was for him to purchase stocks from the cash and carry.</p> <p>In response to the allegation of not returning communications with the Police, Mr Ates stated that he never received any calls or email messages. Mr Ates also explained that he had not realised that he personally had to attend the training arranged by Trading Standards that he had paid for. It was confirmed that the premises operated Challenge 25.</p> <p>It was also mentioned to the Sub-Committee that there was no drug issue at the premises. There was a smell of drugs because those consuming drugs came into the shop and the smell lingered after the customers left.</p> <p>Ms Oznur Ates addressed the Sub-Committee that since the sudden diagnosis of her father with cancer which was a shock to the family, things had been going wrong.</p> <p>An apology was offered for the current situation. It was mentioned that if the premises licence was retained, the intention was to sell the business.</p> <p>Ms Ates stated that all the shops in the parade were complaining about the young people congregating and the cars in the public car park opposite the premises but it was a surprise to her that the Police were blaming the premises. People loitering outside the shop were regularly asked to move on but they could not be held responsible for what went on in the public car park. The premises were being blamed because of the close location of the premises to the car park where the anti-social behaviour and loitering was taking place.</p> <p>The Sub-Committee was informed that the premises had now complied with the request of the Licensing Authority further to Mr Campbell's second visit. It was also stated that the premises</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

Agenda Item No	Topic	Decision
		<p>did not have any problem with the young people, that they were 8 to 13 year olds.</p> <p>Mr Oznur concluded by stating that the family wanted to sell the business to clear their debt.</p> <p><b>5. Determination and Decision</b></p> <p>In considering its decision, the Sub-Committee had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 of the First Protocol of the Human Rights Act 1998.</p> <p>The Sub-Committee noted that the email address used by the Police to contact the premises licence holder and DPS was incorrect therefore an invalid address for Mr Sercan Ates.</p> <p>Having carefully considered the written representations and listened carefully to the submissions of all parties, the Sub-Committee noted that whilst there had been breaches of the licence conditions in respect of the CCTV system and the Licensing objectives, it was minded not to revoke the premises licence.</p> <p>The Premises Licence shall be suspended for a period of 3 months with immediate effect.</p> <p>The Designated Premises Supervisor, Mr Sercan Ates, shall be removed from the Premises Licence forthwith.</p> <p>The Licensing Sub-Committee has serious concerns with the management's obligations and failure to comply with the conditions of the Premises Licence.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>The Sub-Committee whilst noting there were two underage test purchases passed but also have in mind two underage sales of alcohol, including on 31 December 2016.</p> <p>The Sub-Committee also observed that the DPS does not understand his role as a premises supervisor and has failed in his obligation in respect of the prevention of the supply of alcohol to underage persons.</p> <p><b>6. Right of Appeal</b></p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. dismiss the appeal; or</li> <li>2. substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. make an order for costs as it sees fit.</li> </ol>
<b>A1</b>		

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 6 March 2017**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
A2		