

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

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

A1	APPLICATION FOR A PREMISES LICENCE - R & V LA FAMILIA LTD	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES: R & V La Familia 113 Upminster Road South Rainham RM13 9AA</p> <p>DETAILS OF APPLICATION</p> <p>The application for a premises licence was made by R & V La Familia Ltd under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 23 May 2018.</p> <p>APPLICANT</p> <p>Details of requested licensable activities</p> <p>The application was to permit the provision of the following licensable activities:</p>
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Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
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		<table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">09:00</td> <td align="center">23:30</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Opening Times</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">09:00</td> <td align="center">23:30</td> </tr> </tbody> </table> <p>Details of Representations</p> <p>There were four representations against the application for a new premises licence from interested persons. There were no representations against the application from responsible authorities</p> <p>Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of the Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005 relating the advertising of the application. The required public notice was installed in the Yellow Advertiser on the 1 June 2018.</p> <p>Determination of Application</p> <p>The Licensing Sub-Committee have considered an application for a new premises licence for R&V La Familia situated at 113 Upminster Road South, Rainham, RM13 9AA.</p>	Supply of alcohol			Day	Start	Finish	Monday to Sunday	09:00	23:30	Opening Times			Day	Start	Finish	Monday to Sunday	09:00	23:30
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Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>Representations have been received against the application from interested persons, namely 2 business owners both of whom operate on the same parade of shops as that of the applicants premises, firstly Mr Mehmet Ozuaciksoz who owns the business next door, he objected on all four of the licensing objectives namely, the prevention of crime and disorder Public Safety prevention of public nuisance and the protection of children from harm and secondly Mr Ali Bektasoglu who is the landlord of 119 Upminster Road, South, a Kebab shop. 2 further objections were received from neighbouring residents, one who lives above the parade of shops where the applicant's premises are situated and another resident Ms Gillian Price who lives nearby, she raised objections on the grounds of public nuisance and the protection of children from harm. Mr Mehmet Ozuaciksoz and Ms Gillian Price attended the hearing.</p> <p>Mr Kasey Conway from the Councils Licensing Team presented the application, the officer also informed the committee that the premises had been granted 3 Temporary Event Notices to cover off sales of alcohol for periods in the month of June 2018, Mr Conway further informed the members that he had visited the premises on a Friday and Saturday evening during this period and he had not witnessed any problems which is why Licensing had not made any representations in respect of the application.</p> <p>The Sub-Committee then heard from the applicant, he informed the sub-committee that the shop opened last year and is run by himself and his siblings, he provided information relating to the level of experience they had, with the applicants sister being the most experienced of them all, this was followed by</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>questions from the members relating to the layout of the shop, where the alcohol is displayed within the premises, details of the other products sold in the shop.</p> <p>The Sub-Committee also heard from Mr Mehmet Ozuaciksoz. Mr Ozuacikoz stated he owned the business next door to the applicants premises and had been there for 4.5 years, he informed members that since December last year when the applicant commenced trading he had experienced many problems with people sitting around outside of the applicants premises, drinking, playing loud music, he also complained of trade waste being left outside the shop which he attributed to a rat infestation. Mr Mehmet also alleged the applicant was involved in unlawful activity taking place outside his shop, he informed the committee that he had recorded footage of the activity, Mr Ozuaciksoz asked members whether he could play the recording at the hearing, the committee decided against the video recording being played as it had not been disclosed to the applicant prior to the hearing. Licensing Officer Mr Conway informed members of the committee he had seen the video recording and there was no evidence of the activity described by Mr Ozuaciksoz.</p> <p>The Sub-Committee asked Mr Ozuaciksoz whether he had formally complained to the police and the relevant Council department to report the problems he mentioned, Mr Ozuaciksoz stated he had not complained formally although he had spoken to police officers when they attended his shop.</p> <p>The applicant did not have any questions at this stage other than to inform the Sub-Committee that he had tried to engage with Mr Ozuaciksoz on a few occasions but he said Mr Ozuaciksoz walks away and does not acknowledge him,</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>he stated that he respected Mr Ozuaciksoz, he informed the committee that his business does have a trade waste agreement in place and when necessary they take away some of the rubbish themselves.</p> <p>The Sub-Committee was informed by also Ms Gillian Price that she had been invited to the premises by the applicant however she declined and stated she would prefer to visit when witnesses were present. Ms Price raised concerns about the accumulation of rubbish which she felt emanated from the applicant's premises, she also raised concerns that the licence if granted would be the 3rd licence within 30ft of her property. Ms Price stated the applicant allowed smoking outside his premises, she said could smell the smoke in her garden, she was concerned there was a school nearby and once the proposed changes to the school entrance are made the area near the school would be much needed, she was concerned this could become a meeting point with people congregating near the school and felt strongly that this should not be allowed.</p> <p>Following deliberations and having carefully considered the submissions by all parties, the Council's Statement of Licensing Policy, and the Home Office Guidance issued under section 182 of the licensing Act 2003, the Licensing Sub-Committee have decided to grant the application for a new premises licence with the following conditions:</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>CONDITIONS:</p> <p><u>Supply of Alcohol (for consumption off the premises only)</u> Monday – Sunday 09:00 – 23.30</p> <p><u>Premises Opening Times</u> Monday – Sunday 09:00 – 23.30</p> <p><u>A CCTV system shall be installed at the premises on the following terms:</u></p> <ul style="list-style-type: none"> (i) The CCTV shall be maintained in working condition and record the premises 24hours a day; (ii) Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and must be of evidential quality; (iii) The equipment will have a suitable export method i.e. CD/DVD/USB facility so that the Police can make evidential copy of the data they require, this data should be in the native file format to ensure that no image quality is lost when making the copy;

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> <li data-bbox="891 469 2007 644">(iv) If this format is nonstandard, i.e. manufacturers proprietary, then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police and the Licensing Authority on a standard computer. Copies must be made available to the Police and the Licensing Authority upon request; <li data-bbox="891 703 2007 879">(v) Staff working at the premises will be trained in the use of this equipment and a least one member of staff shall be present during permitted hours who can work and download CCTV if requested by a police officer or authorised officer from LBN and a log will be kept to verify this; <li data-bbox="891 938 2007 1038">(vi) Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification; <li data-bbox="891 1114 2007 1182">(vii) To have signs displayed in the customer area to advise that CCTV is in operation; and <li data-bbox="891 1257 2007 1353">(viii) Should the CCTV become non-functional the Premises Licence holder/DPS shall take immediate steps to rectify the situation as soon as possible and inform the relevant licensing authority immediately.

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>(ix) CCTV shall be maintained in good working order and be of evidential quality, shall record at all times the premises are open, recordings shall be kept for a minimum of 31 days, shall have the capability to either download that footage on to a disc or similar data transfer device and shall be produced on request of Police, Trading Standards or Council Officers.</p> <p>(x) The CCTV system shall be checked on a weekly basis to ensure that it is working/recording a record of this shall be recorded in the CCTV log book with the premises licence holder/DPS recording the date and time of the check. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 12 months</p> <p><u>Challenge 25</u></p> <p>1. The licensee will adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</p> <p>The licensee will prominently display notices advising customers of the “Challenge 25” policy.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>The following proofs of age are the only ones to be accepted:</p> <ul style="list-style-type: none"> (i) Proof of age cards bearing the "Pass" hologram symbol (ii) UK Photo Driving licence; (iv) Passport <p>2. The licensee or DPS shall keep a register of refused sales of all age-restricted products and this will be kept in a Refusal Book.</p> <p>Refusal Book:-</p> <p>The Refusals' Book shall contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</p> <p>The Refusals Book shall be examined on a regular basis (weekly) by the licensee or DPS and date and time of each examination to be endorsed in the book. Analysis of staff refusals and data such as the time/day of refusals to be carried out by the Licensee on a regular basis in order to predict trends and identify staff training and compliance issues.</p> <p>The Refusals Book shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police at any time during licensed hours.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>Staff Training:-</p> <p>3. The licensee / DPS shall keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The licensee/DPS shall ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that all staff authorised to sell alcohol receive training on identifying customers who may be under the age of 25 years. All training will be properly documented and training records kept. The training records will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police. The training must also cover proxy sales.</p> <p>The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer’s age and is able to effectively question purchasers and check evidence of proof of age.</p> <p>The licensee/DPS shall ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under-25s attempting to purchase alcohol.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p>A register of all employees, working at the premises daily shall be maintained in writing together with their job titles, names, address and shall include the times they were on duty. This record shall be recorded in a bound and number page book, the Premises licence holder/DPS shall endorse weekly each record with the date and time the record was endorsed. This register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months.</p> <p>All staff to undergo refresher staff training this is to include the conditions attached to the licence every 3 months and the training to be recorded and signed for by the employee and the DPS/Premises Licence holder. The record shall be recorded in a bound and number page book this register is to be kept on the premises at all times and made available to the Police and the authorised council officers. Full books shall be retained at the premises for a period of 24 months.</p> <p>The licensee/DPS shall ensure that effective controls are in place to ensure that persons (whether staff or otherwise) who are not authorised to sell alcohol cannot do so. This would be likely to include a rota system where at least one authorised person is present at all times during licensing hours.</p> <p>The licensee/DPS shall ensure that the training records and training includes the permitted hours in which alcohol can be sold, the conditions that are attached to this licence. The training records shall be kept in a</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		<p align="center">bound and page number book.</p> <p align="center">All staff shall be trained on the permitted times of sale of alcohol and the conditions attached to the licence.</p> <p>Controls for Sale of Alcohol:-</p> <p>No single cans or bottles beers, lagers stout, ciders and alcholpops shall be sold.</p> <p><u>Decision</u></p> <p>Having considered and heard all of the evidence the Sub-Committee granted the licence.</p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 July 2018

Agenda Item No	Topic	Decision
		4. the direction of the Court; and Make an order for costs as it sees fit.
A2		
A1		
A2		