



**Havering**  
LONDON BOROUGH

Licensing Officer's Report



## LICENSING SUB-COMMITTEE

## REPORT

6 March 2017

**Subject heading:**

Sparkling Food & Wine  
4 Elm Parade Shops St Nicholas  
Avenue Hornchurch RM12 4RH  
Premises licence review  
Paul Jones, Licensing Officer  
Town Hall, Main Road, Romford  
paul.jones@havering.gov.uk  
01708 432692

**Report author and contact details:**

This application to review a premises licence is made by PC Belinda Goodwin under section 51 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 18<sup>th</sup> January 2017.

### **Geographical description of the area and description of the building**

Sparkling Food & Wine is located in Elm Park's town centre. It is located in a parade of purpose built commercial outlets with residential properties located above. The area is one of mixed use.

### **Details of the application**

The application to review this premises licence is based upon the following grounds:

- 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
- The premises have been found to supply alcohol to persons under the age of 18
- The premises licence holder was found to be in breach of the premises licence conditions
- Incidents of anti-social behaviour have been associated with the premises

### **Comments and observations on the application**

Upon receipt of the application the licensing authority provided electronic copies of the application to each responsible authority and installed suitable notices at the premises, at Havering's Town Hall noticeboard and on Havering's website in the manner required by regulation.

## **Summary**

There were two representations in support of this application made by responsible authorities, namely Havering's Licensing Authority and Havering's Trading Standards Service.



## Part A

Premises licence number

10893

### Part 1 – Premises details

Postal address of premises

**Sparkling Food & Wine  
4 Elm Parade St Nicholas Avenue Hornchurch RM12 4RH**

Where the licence is time limited the dates

**Not applicable**

Licensable activities authorised by the licence

**Supply of alcohol**

The times the licence authorises the carrying out of licensable activities

**Monday to Sunday – 08:00 to 23:00**

The opening hours of the premises

**Monday to Sunday – 08:00 to 23:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**Off supplies only**

### Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Sercan Ates  
4 Elm Parade Flat St Nicholas Road Hornchurch RM12 4RH  
07446 082355**

Registered number of holder

**Not applicable**

1 of 5

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Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol



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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol



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**Mandatory conditions**

1. **No supply of alcohol may be made under the premises licence:**
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
3. (1) **The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.**  
(2) **The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.**

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**Annex 2 – conditions consistent with the operating schedule**

1. **The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.**
2. **The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.**
3. **The premises licence holder shall ensure that there is no external disposal of refuse after 21:00 and before 08:00 daily and as far as possible to ensure deliveries are within those hours with the exception of newspaper deliveries.**
4. **Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.**
5. **The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to dealing with incidents and prevention of crime and disorder and the sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.**

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**Annex 2 – conditions consistent with the operating schedule – contd.**

- 6. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to Police and local authority officers upon reasonable request.**
- 7. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every 6 months for all staff and documented as above.**
- 8. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.**
- 9. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers are on the premises.**
- 10. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or an authorised officer throughout the preceding 28 day period.**
- 11. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public.**
- 12. The premises licence holder shall ensure that in the event of its failure the CCTV system will be repaired as soon as practicable.**
- 13. The premises licence holder shall ensure that an alarm system is installed and in the event of its failure to be repaired as soon as practicable.**
- 14. The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.**
- 15. The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.**
- 16. The premises 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 the following:**
  - any complaints received**
  - violence by any person against another**
  - any other criminal incidents**
  - any visit by a relevant authority or emergency service**
- 17. The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the premises.**
- 18. The premises licence holder shall ensure that there is no access to the premises through the ‘fire exit only’.**
- 19. Notices shall be displayed in the premises to advise patrons and staff that a ‘Challenge 25’ or similar scheme operates in the premises.**
- 20. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log shall show:**
  - the date and time of the event**
  - the product(s) sought**
  - the gender and approximate age of the customer**
  - a description of the customer**

**The log shall be perused daily or weekly by all staff and initialled to this effect.**

1. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and must be made available to a relevant responsible authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.
3. The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'system file' which should be readily available for inspection by a relevant authority:
  - site plan showing position of cameras and their field of view
  - code of practice
  - performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
  - operational requirement
  - incident log
  - maintenance records including weekly visual checks
4. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.
5. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.
6. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'system file'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.
7. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
8. The premises shall adopt a Challenge 25 policy. This means that premises' staff shall challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 25 and shall not sell to such a person unless they can prove they are over 18 by providing a passport or photographic driving licence.

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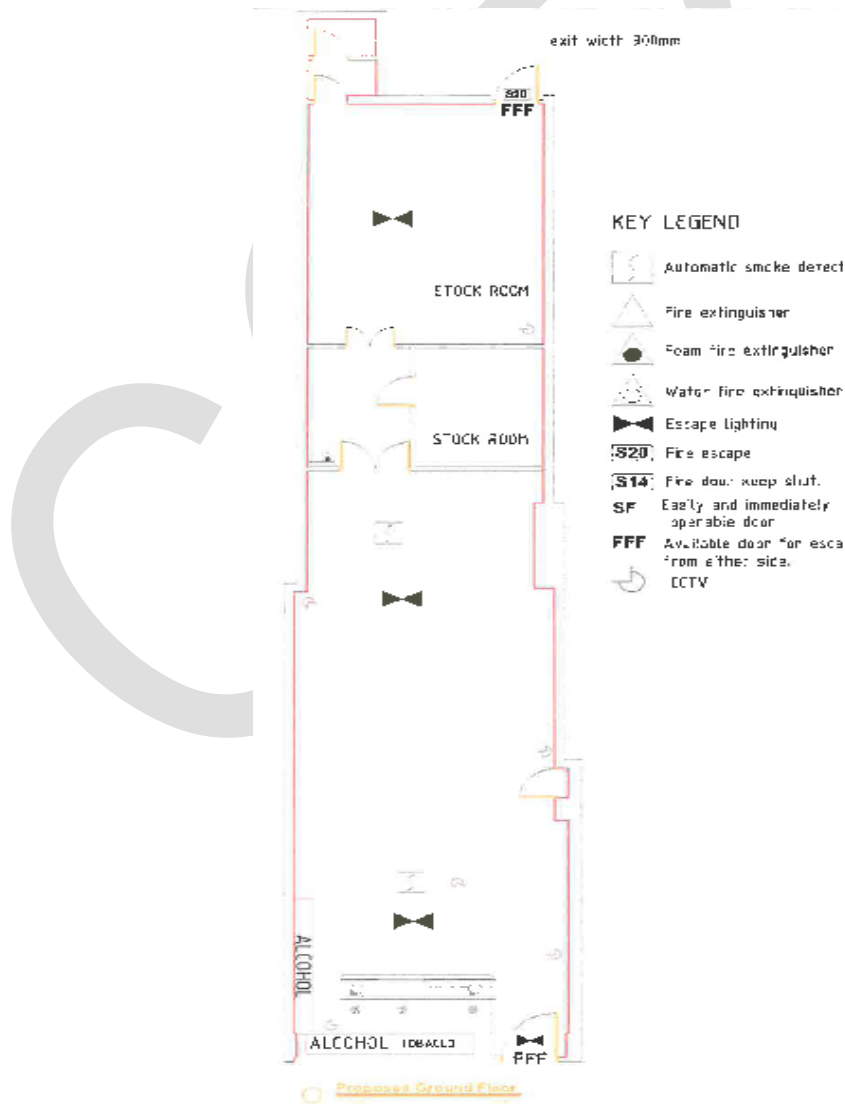
Annex 3 – conditions attached after a hearing by the Licensing Authority – contd.

9. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.
10. Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale advising customers that they may be asked to produce evidence of their age.
11. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence which shall include a photograph of the customer will include a passport, photographic driving licence or Proof of Age card carrying a “PASS” logo.
12. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

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Annex 4 – Premises plans

Original premises plans are held by the Licensing Authority of the London Borough of Havering.







## Part B

### Premises licence summary

Premises licence number

10893

### Premises details

Postal address of premises

**Sparkling Food & Wine  
4 Elm Parade St Nicholas Avenue Hornchurch RM12 4RH**

Where the licence is time limited the dates

**Not applicable**

Licensable activities authorised by the licence

**Supply of alcohol**

The times the licence authorises the carrying out of licensable activities

**Monday to Sunday – 08:00 to 23:00**

The opening hours of the premises

**Monday to Sunday – 08:00 to 23:00**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Off supplies only**

Name, (registered) address of holder of premises licence

**Mr Sercan Ates  
4 Elm Parade Flat St Nicholas Road Hornchurch RM12 4RH**

Registered number of holder

**Not applicable**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**[REDACTED]**

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State whether access to the premises by children is restricted or prohibited

Not applicable

2 of 2

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COPY



**Havering**  
LONDON BOROUGH

Map of the area



**Sparkling Food & Wine**



Scale: 1:1000  
 Date: 08 February 2017  
 Size: A4



London Borough of Havering  
 Town Hall, Main Road, Romford, RM1 3BD  
 Tel: 01708 434343

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**Havering**  
LONDON BOROUGH

Copy of Application

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Belinda Goodwin

*(Insert name of applicant)*

**Apply for the review of a premises licence / club premises certificate under section 51 / 87 of the Licensing Act 2003 for the premises described in Part 1 below:**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

**Sparkling Food and Wine  
4 Elm Parade  
St Nicholas Avenue  
Hornchurch**

**Post town**  
Hornchurch

**Post code (if known)**  
RM12 4RH

**Name of premises licence holder or club holding club premises certificate (if known)**

**Mr Serkan ATIS**

**Number of premises licence or club premises certificate (if known)**  
**10893**

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

GOODWIN

**First names**

Belinda

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

19 Main Road  
Romford

**Post town**

RM1

**Post Code**

2BJ

**Daytime contact telephone number**

01708 779162

**E-mail address  
(optional)**

Belinda.goodwin@met.pnn.police.uk

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  <b>Police Constable Belinda Goodwin</b>
Telephone number (if any) 01708 779162
E-mail address (optional) Belinda.goodwin@met.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

The premise is situated within a busy town centre. There is a high volume of off licences within this area, this being one of around 5 and this is without a couple of supermarket express venues. This area serves an average community of residents with no other shopping areas within two miles. It is a convenient town for the local residents that is saturated with small off licences. The area has a large proportion of anti social behaviour involving the younger residents, due to the town being close to a park, and being close to numerous secondary schools.

The grounds for review are as follows;

On 31/12/2016 at around 20:00hrs a group of young males were stopped by 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 18yrs. 06/01/2017 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. He admitted to this and confirmed that he did not ask for ID and that he thought that the males looked over 18. Police have since sent two e-mails and left numerous messages for the Designated premise supervisor to contact police and he has failed to do so. Police have been left with no alternative to seek a review of the licence in this instance as they have serious concerns around the protection of children from harm and the prevention of public nuisance as evidenced below.



**Please provide as much information as possible to support the application** (please read guidance note 3)

This premise has come to Police attention since 2012. There was information on 19/05/2012 stating that groups have been gathering in the car park opposite the venue who are often rowdy and seem to be taking drugs that they are getting from the premise. Police attended the car park area, the youths had left but there was a heavy smell of cannabis in the air and lots of nitros oxide cannisters scattered all over the floor of the car park. These youths were spotted later on outside the venue, loitering around. It is a condition on their licence

14/08/2012 – Informant has called Police to inform us that there were up to 25 kids outside the flat shouting loudly and that this has happened regularly since the venue was allowed to open.

15/01/2015 - SPARKLING FOOD & WINE 4 ELM PARADE, ST NICHOLAS AVENUE, ELM PARK, RM124RH

At 1825 hours, volunteers entered the store, selected 1 x bottle of Blossom Hill Rose wine priced £4.99. Took it to the counter and the lone sales assistant did not challenge for I.D or ask the volunteers what their ages were. This MALE then sold the bottle of wine to the volunteers and they left the premises.

Pc ROSE, Mr HOLMES and Mrs MORATH then entered the premises and pointed out the offence of selling to underage persons. The MALE stated he thought they were at least 21. It transpires that the sales assistant was the only person on duty and is in fact the DPS for the venue (Designated Premises Supervisor). He is Mr **Sercan ATEŞ who is still the DPS for the venue.**

04/06/2015 – Informant stated that every day from 2000hrs onwards to the early hours of the morning group 5-10 youths who are loitering outside the venue, sitting around in cars playing music and drinking alcohol.

Information from a public meeting that the venue regularly sell alcohol to children.

#### ANNEX 2 (2)

The premise licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate. This was pointed out to the employee who said that he was not aware of this condition. There is also information that youths are always hanging around the outside of the shop and are often seen speaking to vehicles which pull up outside the shop for a few minutes and then leave

24/03/2016 – Police central licensing team have attended the venue and conduct an inspection on the premises. Mr Kemal Arslan was present. Police found that there were 4 breaches of the conditions on the licence which are as follows

#### ANNEX 2 (11)

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.

**There was no one at the premise present who could work the CCTV**

#### ANNEX 2 (6)

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.

**There were no training records**

#### ANNEX 2 (7)

The premise licence holder shall ensure that refresher training shall be satisfactorily

completed every 6 months for all staff and documented as above.

**No refresher training records for staff**

**ANNEX 2 (16)**

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

**There was no incident log on site**

14/09/2016

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. Local police attended up to 5 times in order to retrieve the footage and there was excuses 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.

27/09/2016 – Police attended the venue to enquire about a CCTV request to assist into an investigation into 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.

25/10/2016 - 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 staff in the venue did tackle the suspect and helped to assist with the victim. However, it since appears that the staff knew who the suspects were and since, the main witness, Mr Ahmet Arslan has failed to assist police with an identification parade in order to identify the suspects in this instance.

Myself and PC Daly attended the location on 01/11/2016 at 15:11hrs and Mr Kemal Arslan. I asked Mr Arslan to show us the training records which he could not do and we also asked him to show us the CCTV which again he could not do. He stated that he was waiting for a new drive for the system. I informed him that he had 7 days to get this fixed.

We returned to the venue on 05/11/2016 Mr Arslan was working along with a younger male. Before we entered the shop we observed four young girls enter the shop, and they were loitering 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.

I have since tried to make contact with the DPS Mr Sercan Ates 4 times since November, by sending two e-mails and have left two messages and he has made no attempt to make contact with us. This venue continues to be a hub for the young within the town and we now have evidence that proves that they have sold to a person under the age of 18yrs. There is no due diligence from the staff or the DPS and they are totally disregarding their responsibilities as licensees. I would ask the licensing subcommittee to revoke their alcohol licence as we believe that whilst the premises is being operated in this way there is further risk to the children who may frequent the venue. It is also clear that they do not adhere to the condition not allowing customers to loiter outside the

premise as this is a constant problem that residents continue to complain about.

I would like to exhibit PC Michael SHEPPARD statement as BG/2 and include in this application.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

## **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**Havering**  
LONDON BOROUGH

Representation from  
Responsible Authorities

## **Licensing Act 2003 Responsible Authority representation**

This representation is made by a responsible Authority for the London Borough of Havering concerning an application for a temporary event notice for the premises as detailed below.

**Premises Name and address:** Sparkling Food and Wine, 4 Elm Parade Shops, St. Nicholas Avenue, Hornchurch, RM12 4RH

**Your Name:** Paul Campbell

**Organisation name/name of body you represent:** London Borough of Havering/Licensing

**Your Address:** C/O, Town Hall, Main Road, Romford, Essex, RM1 3BD

**Email:** paul.campbell@havering.gov.uk\_\_

**Contact telephone number:** 01708 432766

**Summary of Objection:** Objection to an application for a new premises licence based upon the four licensing Objectives.

### **Policy Considerations**

#### **Licensing Policy 1**

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact;
- the type of premises and their cumulative impact on the area and the mix of premises in the area;
- the location of the premises and the character of the area;
- the views of the responsible authorities;
- the views of other persons;
- past compliance history of current management;
- the proposed hours of operation;
- the type and number of customers likely to attend the premises;
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.

#### **Licensing Policy 10**

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;
- Drunkenness on premises;
- Irresponsible drinks promotions.

**Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.**

#### **Children and Alcohol Licensing Policy 20**

**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.**

#### **Review of Licences Licensing Policy 25**

**The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:**

- Restricting hours of operation**
- Removing licensable activities from the premises licence**
- Imposing additional conditions**
- Requiring the removal of a designated premises supervisor**
- Suspending a licence**
- Revoking a licence**

#### **Representation**

I wish to make representation as a Responsible Authority supporting the application made to review the premises licence under all four of the licensing objectives.

PC Belinda Goodwin on behalf of the Metropolitan Police made an application to review the premise licence at Sparkling Food and Wine 4 Elm Parade Shops, St. Nicholas Avenue, Hornchurch, RM12 4RH on Wednesday 18<sup>th</sup> January 2017. On receiving the application by e-mail I noticed that the review document had also been sent to the email address we have on our records for the premises.

I followed our set procedure in receiving the review application and on Thursday 19<sup>th</sup> January 2017 I attended the premises to install the public notice at the venue on light blue paper. Present at the premises was Mr Sercan Ates

Mr Ates informed me that he had not opened his emails and did not know of the review application, I gave him a printed copy of the application and explained the review procedure to him; I also stressed the seriousness of the matter and explained the possible outcomes of a review.



I took the opportunity to undertake a full licensing inspection at the venue going through each condition with Mr Ates checking that they were being kept to and that the required elements relating to each condition were in place.

I found that out of the 32 conditions listed on the premises licence 5 were not in place or being kept to in an adequate way.

I pointed out these 5 points to Mr Ates at the time, I also told him that I would re-inspect before the end of the representation period and that my findings would be presented to the Licensing Sub-Committee. Reassurances were given that these issues would be rectified.

The following day I recorded my inspection and sent my findings in a letter to Mr Ates (letter attached) I sent this both by email and post.

Mr Ates's sister telephoned me and we spoke about the review application an appointment was made for me to attend the premises for a re-inspection on Monday 6<sup>th</sup> February (there was confusion and Mr Ates sister thought the appointment was for Monday 13<sup>th</sup> February and so did not attend the meeting)

At my inspection on Monday 6<sup>th</sup> February 2017 Mr Ates was at the shop, I found that 4 of the 5 conditions I had previously highlighted were still not in place or being carried out correctly. I pointed this out to Mr Ates and he again gave reassurances that these points would be rectified.

My findings I recorded in a letter and sent to Mr Ates by email and the letter (copy attached) delivered by hand to the shop. (on 07/02/2017)

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 police having made an application to review the licence, the seriousness of this had been explained to Mr Ates, an inspection finding failings and being informed that I would inspect again within 28 days, I was expecting on my second inspection to find everything in perfect order with all supporting documentation to be in place and at hand ready for viewing. This was not the case

It is difficult for me to have confidence in the management at the premises in dealing with the selling of alcohol in accordance with the regulations when they fail to comply with even the simple conditions of their licence such as placing correct signage around the venue.

Mr Ates has been the licence holder and DPS for the premises since 14<sup>th</sup> May 2014. Since that date as the review application lays out there have been incidents of alcohol being sold to persons under 18 years of age and breach of licence conditions both of these are offences.

The London Borough Of Havering's Licensing Policy 10 states

**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;** (and other points)

The evidence shows that this is not taking place at the premises.

The London Borough Of Havering's Licensing Policy 20 states

## **Children and Alcohol**

### **Licensing Policy 20**

**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.**

This shop is failing to protect children from harm by alcohol to be sold to persons under the age of 18.

The London Borough Of Havering's Licensing Policy 25 states

### **Review of Licences**

#### **Licensing Policy 25**

**The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:**

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

Havering's policy indicates that we will use the full range of powers available when there is a review of the premises licence and they are listed above

- Restricting the hours at these premises will not prevent a recurrence of the problems.
- The supply of alcohol is the only licensable activity that is licensed at the premises.
- I cannot think of conditions that can be added that will prevent future offences.
- Removing the DPS –this is a family business so Mr Ates if removed as DPS may still have a large say in how the shop is run.
- Suspending the licence – this may enable the management to get things into correct order at the venue but I have little confidence in this happening as they have failed to comply with the conditions pointed out to them directly after the review application was made
- Revoking the licence – This is the only certain way I can see that will prevent further offences taking place at the premises.

In Policy Considerations I have mentioned Licensing Policy 1 which refers to areas of cumulative impact.

This premises is in St Andrews Ward which is a cumulative impact area.

This is mentioned in Havering's Licensing Policy mainly for dealing with Hornchurch Town Centre, this premises is at the edge of St Andrews Ward in Elm Park not directly effecting Hornchurch Town Centre

### **Complaint and Inspection History (if applicable)**

Please see attached inspection letters and details in the police review application.

**Other documents attached**

Two inspection letters

Signed

A handwritten signature in black ink, appearing to read 'P. Kelly'.

dated

8<sup>th</sup> February 2017





Mr Ates  
4 Elm Parade Flats  
St Nicholas Avenue  
Hornchurch  
RM12 4QG

t 01708 432766

e [paul.campbell@havering.gov.uk](mailto:paul.campbell@havering.gov.uk)  
text relay 18001 01708 432777

Date: 20 January 2017

Your Ref:  
Our Ref: PPC//SR 035561

[www.havering.gov.uk](http://www.havering.gov.uk)

Dear Mr Ates

**Licensing Act 2003**  
**Sparkling Food & Wine 4 Elm Parade Shops, St Nicholas Avenue, Hornchurch,**  
**RM12 4RH**

In relation to the visit/inspection I made to the above premises on 19<sup>th</sup> January 2017 the following items are conditions on the Premises Licence which are not being met and need to be addressed :-

- Page 2 of 5 – Annex 2 – Condition 1

**1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.**

**To do – No signs were displayed – Signs must be displayed**

- Page 3 of 5 – Annex 2 – Condition 16

**16. The premises 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 the following:**

- any complaints received
- violence by any person against another
- any other criminal incidents
- any visit by a relevant authority or emergency service

**To do – Although there is an incident/refusals book in use at the premises the last entry was made on the 8<sup>th</sup> November 2016 – the log needs to be used regularly for all incidents at the premises**

- Page 3 of 5 – Annex 2 – Condition 20

**20. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log shall show:**

- the date and time of the event
- the product(s) sought
- the gender and approximate age of the customer
- a description of the customer

**The log shall be perused daily or weekly by all staff and initialled to this effect.**

**To do – Although there is an incident/refusals book in use at the premises the last entry was made on the 8<sup>th</sup> November 2016 – the log needs to be used regularly for all refusals/challenges at the premises – the log must be checked weekly and initialled to note that it has been checked**

- Page 4 of 5 – Annex 2 – Condition 6

**6. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'system file'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**

**To do – A plan showing the positions of the CCTV cameras was not available for inspection – a plan must be made up and be available for inspection.**

- Page 5 of 5 – Annex 2 – Condition 12

**12. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.**

**To do – No notices were displayed – notices must be displayed**

If you need any help or assistance please contact me at the above.

Yours faithfully



Paul Campbell  
Licensing Specialist

Mr Sercan Ates  
Sparkling Food and Wine  
4 Elm Parade Shops  
St Nicholas Avenue  
Hornchurch  
RM12 4QG

**t 01708 432777**  
**e [licensing@havering.gov.uk](mailto:licensing@havering.gov.uk)**  
**text relay 18001 01708 432777**

Date: 6 February 2017

**[www.havering.gov.uk](http://www.havering.gov.uk)**

Your Ref:  
Our Ref: PPC//SR 035561

Dear Mr Ates

**Sparkling Food and Wine 4 Elm Parade Shops, St Nicholas Avenue, Hornchurch, RM12 4RH**

In relation to the two visit/inspections I made to the above premises on 19<sup>th</sup> January 2017 and 6<sup>th</sup> February 2017 the following items are conditions on the Premises Licence which are not being met and need to be addressed :-

- Page 2 of 5 – Annex 2 – Condition 1

**1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.**

**On 19/01/2017 I found and informed you – To do – No signs were displayed – Signs must be displayed**

**On 06/02/2017 I found that – No signs were displayed.**

- Page 3 of 5 – Annex 2 – Condition 16

**16. The premises 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 the following:**

- any complaints received
- violence by any person against another
- any other criminal incidents
- any visit by a relevant authority or emergency service

**On 19/01/2017 I found and informed you – To do – Although there is an incident/refusals book in use at the premises the last entry was made on the 8<sup>th</sup> November 2016 – the log needs to be used regularly for all incidents at the premises**

**On 06/02/2017 I found that – only a visit by the Fire brigade on 03/02/2017 had been entered into the incident log since my last visit.**



- Page 3 of 5 – Annex 2 – Condition 20

**20. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log shall show:**

- the date and time of the event
- the product(s) sought
- the gender and approximate age of the customer
- a description of the customer

**The log shall be perused daily or weekly by all staff and initialled to this effect.**

**On 19/01/2017 I found and informed you – To do – Although there is an incident/refusals book in use at the premises the last entry was made on the 8<sup>th</sup> November 2016 – the log needs to be used regularly for all refusals/challenges at the premises – the log must be checked weekly and initialled to note that it has been checked**  
**On 06/02/2017 I found that – refusals entries have been made on 20/01/2017, 27/01/2017 and 28/01/2017, the log had not been initialled daily or weekly by staff as required.**

- Page 4 of 5 – Annex 3 – Condition 6

**6. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the ‘system file’. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**

**On 19/01/2017 I found and informed you – On 19/01/2017 I found and informed you – To do – A plan showing the positions of the CCTV cameras was not available for inspection – a plan must be made up and be available for inspection.**

**On 06/02/2017 I found that – This had been started but not completed, a hand drawn outline of the premises had drawn but the position of the CCTV cameras was not on the plan.**

- Page 5 of 5 – Annex 3 – Condition 12

**12. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.**

**On 19/01/2017 I found and informed you – To do – No notices were displayed – notices must be displayed**

**On 06/02/2017 I found that – No signs were displayed.**

On my first inspection on 19<sup>th</sup> January I informed you verbally of the conditions of the premises licence that needed to be addressed and complied with, I followed the visit with a letter outlining these points which I emailed to you at [oznurates@hotmail.co.uk](mailto:oznurates@hotmail.co.uk) (we received confirmation that this email was received) and also sent by post. You were also informed verbally that I would return to do a further inspection to check on compliance before the end of the review representation period so that I could inform the Licencing Sub-Committee of my findings.

On my inspection on 6<sup>th</sup> February I found that 4 of the 5 conditions I had highlighted to you had not been addressed or complied with fully.



For the reasons listed above where the conditions on the premises licence were not being followed/found to be in place on my first inspection on 19<sup>th</sup> January and on my second visit over two weeks later finding that several of the same conditions were still not in place I am informing you that I will be making a representation supporting the police application to review the premises licence. My representation will be presented to the Licensing Sub-Committee at the review hearing.

**At the review hearing you may be asked questions about the items listed in this letter. It would assist if all up to date relevant documents relating to the points in this letter are brought with you to the hearing for inspection by the Licensing Sub-Committee if required.**

If you have any questions regarding this matter please contact our office and a licensing officer will be able to assist you.

Yours faithfully



Paul Campbell  
Licensing Specialist



### **Licensing Act 2003 Responsible Authority representation**

**This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.**

**Premises Name and address:** Sparkling Food & Wine, 4 Elm Parade, St Nicholas Avenue, Hornchurch, RM12 4RH

**Your Name:** \_ Sasha Taylor

**Organisation name/name of body you represent:** Public Protection/Trading Standards

**Your Address:** \_\_Mercury House, Mercury Gardens, Romford, RM1 3SL

**Email:** \_\_sasha.taylor@havering.gov.uk

**Contact telephone number** \_01708 433479

#### **Policy Considerations Licensing Policy 10**

**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;**
- **Drunkenness on premises;**
- **Irresponsible drinks promotions.**

**Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.**

#### **Licensing Policy 20**

**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**

volunteers.

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 shows a clear misunderstanding of how a challenge 25 scheme operates. During the visit Mr Ates refusal log was also checked. The last entry in the refusal log was 9<sup>th</sup> April 2014, nine months previously. The refusal log had therefore not been used since Mr Ates took over the licence.

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 I visited the shop on 12<sup>th</sup> February 2015 with my colleague Ann Bowes. I spoke to a Mr Kemal Aslan who was working on his own in the shop at the time. He was not a personal licence holder. Mr Aslan could not locate the refusal book. The CCTV appeared to be working but Mr Aslan did not know how to operate it. Mr Ates was not present but was contactable on the telephone. While speaking to Mr Ates I invited him to attend an underage sales training course on 11<sup>th</sup> March 2015 to help him and his staff prevent further failures of underage sales. Mr Ates said he would attend the training and paid for the course during the visit. However Mr Ates failed to attend the training on 11<sup>th</sup> March 2015. A copy of my statement and inspection report for this visit is included in Appendix 1.

On 27<sup>th</sup> February 2015 I wrote a letter to Mr Ates inviting him to attend a meeting at our offices to discuss the underage sale. I produce a copy of the letter in Appendix 2.

On 19<sup>th</sup> March 2015 Mr Sercan Ates attended the meeting at our offices in 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.

On 25<sup>th</sup> 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<sup>th</sup> January 2015 and was fined £200 and ordered to pay £811.75 in costs.

On 13<sup>th</sup> 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 ASB calls in the area for a couple of months.

As a result two further test purchases were attempted, one on 25<sup>th</sup> September 2015 and one on 27<sup>th</sup> July 2016. On the 26<sup>th</sup> September a 16 year old male volunteer was used. The volunteer was asked for their age. Once the volunteer replied that they were 16 they were then asked for ID and the sale was refused. On 27<sup>th</sup> July 2016 a 17 year old male volunteer was used. The volunteer was asked for identification and the sale was refused.

This 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 has an entrance to Harrow Lodge Park at the end of St Nicholas Avenue.

# LONDON BOROUGH OF HAVERING

## Statement of witness

(Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967 s9, Magistrates' Courts Act 1980 s5B)

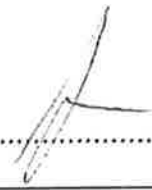
**Statement of :** Sasha Taylor

**Age of Witness (if over 18 enter "over 18") :** Over 18


**Occupation of Witness :** Trading Standards Specialist

This statement, consisting of \_\_\_\_\_ page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6<sup>th</sup> day of January 2017

Signed : ..... 

I am Sasha Taylor Trading Standards Specialist for the London Borough of Havering. I can confirm on 12<sup>th</sup> February 2015 I visited Sparkling Food & Wine 4 Elm Parade Shops, St Nicholas Avenue, Hornchurch, Essex to go through the conditions on the licence. Before I showed my credentials. I witnessed a male buy alcohol who was already heavily intoxicated. A Mr Kemal Aslan was behind the counter on his own in the shop. (He was the father-in-law of the DPS) Mr Aslan was not a personal licence holder, he did not understand or speak very good English, and did not know where the refusal book was, CCTV was working but he did not know how to operate it. I spoke to the Designated Premises Supervisor over the telephone, who told me that his brother was meant to be working at the shop, but did not turn up for work. I told him if he is going to leave Mr Aslan in charge of the shop he must train him. I also explained that he was breaching conditions on the licence signed the refusal book the left the shop. I produce a copy of my visit sheet as ST/01.

Signed : ..... 

**LONDON BOROUGH OF HAVERING  
TRADING STANDARDS SERVICE**

I identify the exhibit described below as that referred to in the statement made and signed by me

Exhibit no. .... ST/01 .....  
Defendant: ~~SPARKLING FOOD + WINE~~  
4. F.M. PARK SHOPS .....

Description of exhibit ... INSPECTION REPORT .....  
DATED ..... 12-2-15 .....

Time and date seized: .....

Where seized .....

Seized / produced by: .....

Signed:  .....

Date: ..... 7/1/17 .....

SVU - 018883



Trading Standards Service  
5th Floor, Mercury House  
Mercury Gardens  
Romford, RM1 3SL  
Telephone 01708 43 3474  
Fax 01708 432554  
Email: trading.standards@havering.gov.uk

No: TS/ 5168

# INSPECTION REPORT

Trading Name: SPARKLING FOOD & WINE

Address: 4 Elm Parade, St Nicholas Ave RM12 4RT

Date & Time of Inspection: 12/2/15 12.00 Type of Premises: Off Licence / Mini Market

Seen / interviewed: MR KEMAL ASLAN - (in person licence) Licence Cat: -

This report only covers the areas inspected at the time of visit. It does not necessarily signify compliance with any matter arising under any areas/legislation mentioned below. Comments should not be assumed to apply to any matters other than those specified. Further advice regarding this inspection may be given by letter.

## AREAS OF INSPECTION INDICATED BELOW

Consumer Safety  Fair Trading  Weights & Measures  Licensing  Other

### INSPECTION POINTS/COMMENTS (including details of samples)

- Licence displayed
- Point for TPA course
- Date of last renewal 9/2/15 - 1 signed book -
- points to IPD over the telephone - who told me contact refresh book was as MR ASLAN DO NOT KNOW.
- CCTV working but MR ASLAN DO NOT KNOW HOW TO operate. ops staff normally has knowledge at shop but didn't come to work today

Leaflets  Information Pack  Other  Inspection Type  P  NP

Officers Signature	Name: <u>Sasha Taylor</u>	Tel: <u>01708 433474</u>
Received by: <u>[Signature]</u>	Date: <u>12/2/15</u>	
Corrective action to be taken (date)	<u>Price checked + Beers</u>	





**Communities & Resources**  
London Borough of Havering  
5<sup>th</sup> Floor, Mercury House  
Mercury Gardens  
Romford RM1 3SL

Mr S Ates  
Sparkling Food & Wine  
4 Elm Parade Shops  
St Nicholas Avenue  
Hornchurch RM12 4DH

**Telephone: 01708 433479**  
Fax: 01708 432717  
email: sasha.taylor@havering.gov.uk  
Textphone: 01708 433175  
Date: 27<sup>th</sup> February 2015

Dear Mr Ates

**Licensing Act 2003  
Supply of Alcohol to Minor**

You will recall that on 15<sup>th</sup> January 2015, officers from this Service visited the above shop of which you are the Designated Premise Supervisor, as part of an underage alcohol test purchasing exercise. During the visit 1 bottle of wine namely Blossom Hill was sold to two persons under the age of eighteen, this sale was witnessed by Officers from this Service.

The sale of the alcohol to an underage person is in contravention of the above legislation and it is therefore necessary to me with you in relation to this matter to discuss how you and your staff can prevent serving persons underage in the future.

I would also request that you bring a copy of your Alcohol Licence to the meeting. It is not compulsory but you may wish to bring a licensing consultant to the meeting with you.

The date of the meeting will be Thursday 19<sup>th</sup> March 2015 at 1pm. The venue will be 5<sup>th</sup> Floor Mercury House, Mercury Gardens, Romford, Essex.

If you have any questions please contact me by email or call me on the above number.

Yours faithfully

**Sasha Taylor**  
**Senior Fair Trading Officer**