



## LICENSING SUB-COMMITTEE ALBAY FOOD & WINE

### AGENDA

<b>10.30 am</b>	<b>Thursday 28 March 2013</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

**COUNCILLORS:**

Peter Gardner (Chairman)  
Denis Breading  
Wendy Brice-Thompson

**For information about the meeting please contact:**

**Richard Cursons (01708) 432430  
richard.cursons@haverling.gov.uk**

**AGENDA ITEMS**

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

**2 DISCLOSURE OF PECUNIARY INTERESTS**

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.*

**3 CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

**4 REPORT OF THE CLERK** (Pages 1 - 8)

**5 REPORT OF THE LICENSING OFFICER** (Pages 9 - 36)

Application to vary a premises licence for Albay Food and Wine, 123 Mawney Road, Romford RM7 7BH

**Ian Buckmaster  
Committee Administration & Member Support  
Manager**



## LICENSING SUB-COMMITTEE

## REPORT

28 March 2013

**Subject Heading:**

**Procedure for the Hearing:  
Licensing Act 2003**

**Report Author and contact details:**

**Richard Cursons – Committee Officer  
01708 432430  
[richard.cursons](mailto:richard.cursons)**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

## **1. Membership of the Sub-Committee:**

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
  - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
  - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
  - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
  - 1.2.4 has a personal interest in the application.

## **2. Roles of other participants:**

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

## **3. Representation validation meeting:**

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

## **4. Location and facilities:**

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

**5. Notification of attendance:**

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

**6. Procedural matters:**

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

**Introduction of the application:**

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

**Documentary evidence:**

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 5 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

**Representations:**

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

**Cross-Examination:**

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only

where it is necessary to assist it in considering the representations or application.

**Relevance:**

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

- The prevention of crime and disorder;**
- Public safety;**
- The prevention of public nuisance; and**
- The protection of children from harm.**

**7. Failure of parties to attend the hearing:**

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

**8. Adjournments and extension of time:**

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
  - Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
  - Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;

- Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
- Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being received. In default of a decision not being made within this period the application will be treated as being granted;
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

### **9. Sub-Committee's determination of the hearing:**

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

### **10. Power to exclude people from hearing:**

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
  - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
  - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

### **11. Recording of proceedings:**

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.



**12. Power to vary procedure:**

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

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# LICENSING SUB-COMMITTEE

# REPORT

**Subject heading:**

Application to vary premises licence at  
Albay Food and Wine,  
123 Mawney Road, RM7 7BH

**Report author and contact details:**

Arthur Hunt – Licensing Officer  
01708 432777  
[licensing@havering.gov.uk](mailto:licensing@havering.gov.uk)

**This application to vary a premises licence is made by Mr Dogan Albay under section 34 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on the 7<sup>th</sup> February 2013.**

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

The premises is a single semi-detached unit with the premises on the ground floor. The adjoining property is also a commercial property (an air conditioning and heating engineer). Above both commercial units are residential properties.

The premises is situated on the south side of Mawney Road close to its junction with Oak Road. The two commercial units are surrounded by residential properties, including flats at Kelly Jay Court, which is on the other side of the road.

Mawney Road is a busy road which is used as a cut through by traffic to and from the A12. It is serviced by a bus route with a stop and bus shelter directly outside the premises.

The premises is situated in Brooklands Ward.

A map of the area is attached to assist the committee.

**Details of the application**

The application is to vary the hours of the premises to supply alcohol.

**Current Premises Licence:**

<b>Supply of Alcohol (Off Supplies only)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday – Wednesday	10:30 hrs	22:30 hrs
Thursday – Saturday	10:00 hrs	23:00 hrs

**Variation applied for:**

<b>Supply of Alcohol (Off Supplies only)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday – Wednesday	08:00 hrs	23:00 hrs
Thursday – Saturday	08:00 hrs	00:00 hrs

**Seasonal variations and non-standard timings**

There are no seasonal variations or non-standard timings attached to this application.

**Comments and observations on the application**

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the 20<sup>th</sup> February 2013 edition of the Yellow Advertiser.

**Summary**

There were three valid representations against this application from interested persons.

There were no representations against this application from responsible authorities.

**Details of representations**

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

**Interested persons' representations**

There were representations made by three interested persons.

The first representation provides opposition to this application based upon all four licensing objectives. The representation details the belief that the premises was subject to a review for allowing underage sales. This is factually correct and occurred in 2010. The current licence holder has only been in place since 2012. The representation also alludes to the fact that Part P of the operating schedule makes no mention of several issues. The current premises licence covers these issues and there has been no application to vary them, so they will remain.

The second representation raises concerns that the premises will attract further young drinkers who populate the bus shelter outside the premises causing "*possible disorder, public nuisance and crime*".

The third representation also raises concerns about youths causing a disturbance at the bus stop outside the premises.

**Responsible authorities' representations**

There were no representations from the following responsible authorities:

The Licensing Authority  
The Metropolitan Police  
Public Health  
The London Fire and Emergency Planning Authority  
The Health & Safety Enforcing Authority  
The Trading Standards Service  
Planning Control & Enforcement  
Children & Families Service

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**Application to vary a premises licence 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/We **DOGAN ALBAY**

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 002213
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
ALBAY FOOD & WINE (FORMERLY KNOWN AS HAPPY WINES)			
123 MAWNEY ROAD			
<b>Post town</b>	ROMFORD	<b>Post code</b>	RM7 7BH

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£7300

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Current postal address if different from premises address</b>	
<b>Post Town</b>	
<b>Postcode</b>	

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year		
↓	↓	↓	↓	↓	↓	↓

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**  
**EXTENSION OF HOURS TO SUPPLY ALCOHOL OFF THE PREMISES.**

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

##### Provision of late night refreshment (if ticking yes, fill in box L)

##### Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	00:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	23:00			

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	
Sun	07:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

**b) The prevention of crime and disorder**

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. 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.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment must have a suitable export method, e. G. CD/DVD writer so that the police can make an 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, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

**c) Public safety**

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

**d) The prevention of public nuisance**

All customers will be asked to leave quietly.  
Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

**e) The protection of children from harm**

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

A register of refused sales shall be kept and maintained on the premises.


**Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	05/02/2013
Capacity	Agent for the Applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

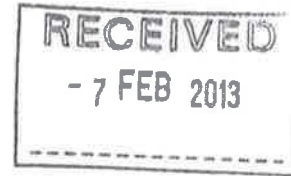
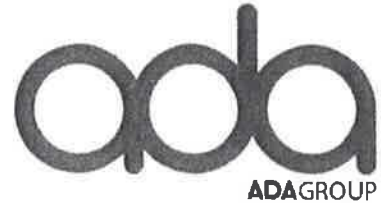
**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Jun Simon  
 ADA GROUP  
 167 Stoke Newington Road

<b>Post town</b>	London	<b>Post code</b>	N16 8BP
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<b>Telephone number (if any)</b>	0845 200 8424
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**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**



**London Borough of Havering  
Licensing Team  
Mercury House, Mercury Gardens  
Romford, RM1 3SL**

Our Ref: SM- RM7 7BH  
Date: 05 FEBRUARY 2013

Dear Sir/Madam

**RE: ALBAY FOOD & WINE, 123 MAWNEY ROAD, ROMFORD, RM7 7BH**

We act on behalf of the above named by whom we are instructed to apply for a variation Premises Licence.

Therefore in accordance with The Licensing Act 2003, we enclose:-

1. Duly completed operating schedule in the prescribed form of application.
2. Application fee based upon the rateable value of the premises which was sent to you before.

We have completed the application form in accordance with the requirements of The Licensing Act 2003, Regulations and Guidance. We have provided all the prescribed information and documentation and paid the prescribed fee and therefore the application complies with the requirements of the act, guidance and regulations. We would therefore ask you to process the form even if you, or any other relevant authorities, believe we ought to provide additional information. Such issues should be dealt with by way of a relevant representation.

Therefore if for any reason you are concerned that our application may not comply with the requirements of The Licensing Act and the appropriate regulations, we would ask you to telephone Cuneyt Cimen at the above office on 0845 200 8424 in order to discuss the matter.

We hope that in this way we can deal with any issues without the need for the application to be returned, as otherwise this would impact on our client's notice displayed at the premises and also the notice advertised in the press. A copy of this letter and all relevant documentation are being sent to the appropriate statutory authorities.

We look forward to working with you in respect of this matter. Please do not hesitate to contact us if you have any queries or observations in relation to this matter.

Yours faithfully

Jun Simon  
Licensing Consultant





Premises licence number

002213

## Part 1 - Premises details

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

**Happy Wines  
123 Mawney Road, Romford, RM7 7BH**

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

**Sunday to Wednesday 10.30 to 22.30  
Thursday to Saturday 10.00 to 23.00**

The opening hours of the premises

**Sunday to Wednesday 10.30 to 22.30  
Thursday to Saturday 10.00 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 Dogan ALBAY  
1 Forest Gardens, Tottenham, London N17 6XA**

Registered number of holder, for example company number, charity number (where applicable)

**Not applicable**

1 of 5

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

**Mr Tayfun ALBAY  
1 Forest Gardens, Tottenham, London N17 6XA**

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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**

**LN/000010054 London Borough of Haringey**

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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**

**The prevention of crime and disorder**

**Any person entering the premises who appears to be under the influence of alcohol or drugs, shall in the interests of other members of the public using the premises be requested to leave the premises.**

**Public safety**

**Walkways shall remain clear at all times.**

**All stock shall be put safely away and stored on appropriate shelving.**

**Floors shall always be clean and dry.**

**The prevention of public nuisance**

**Under 18s shall not be allowed to wander around the premises unaccompanied and staff shall ask them to leave.**

**The protection of children from harm**

**The licensee shall not permit or supply alcohol to persons who appear under age without confirming they are over that age applicable for the beverage supplied by inspecting a recognised form of photographic identification.**

**2 of 5**

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Annex 3 – Conditions attached after a hearing by the Licensing Authority

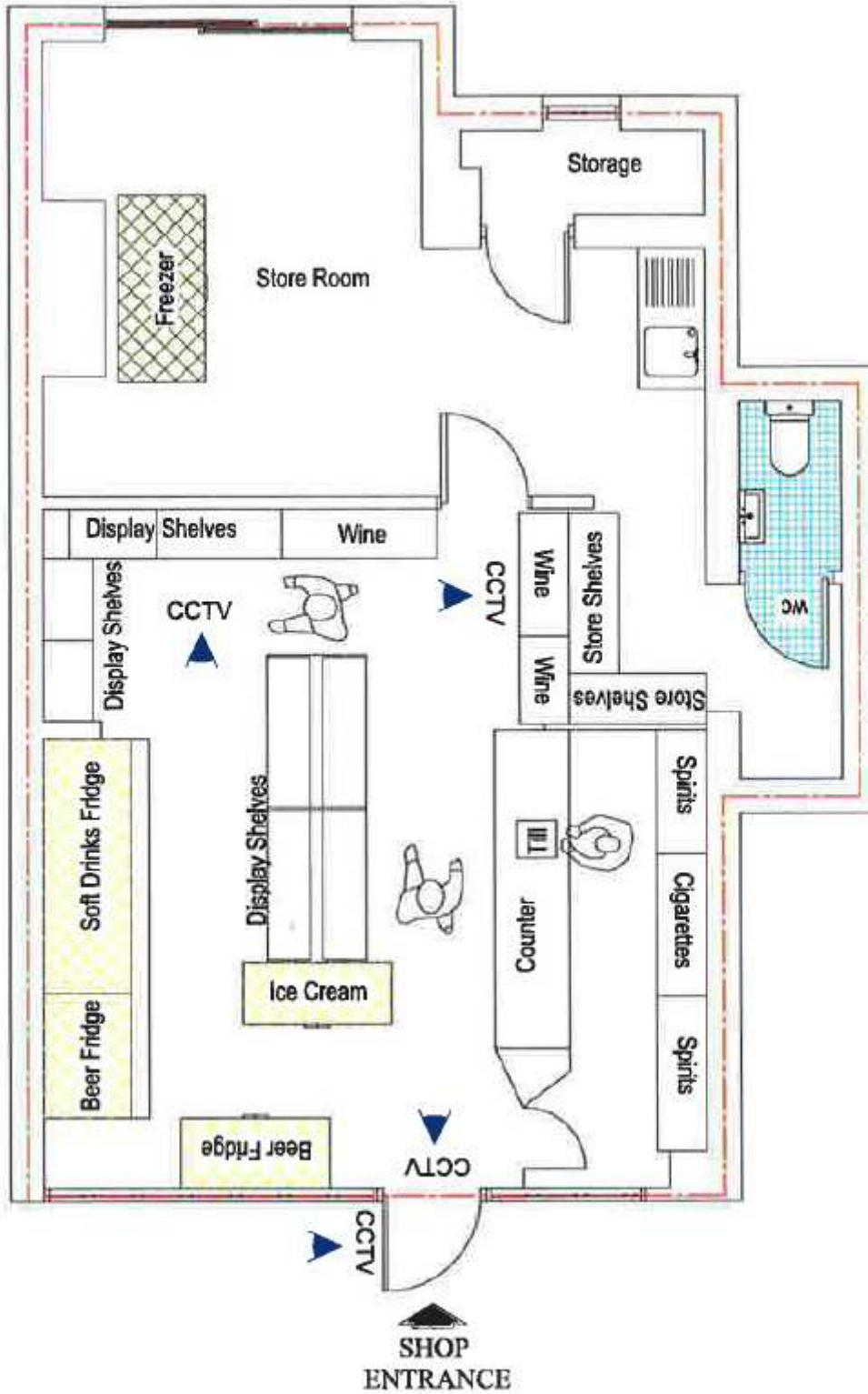
1. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will 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 the relevant authority.
  - a) Site plan showing position of cameras and their field of view.
  - b) Code of Practice.
  - c) Performance specification eg storage capacity, image file size, IPS for each camera position.
  - d) Operational requirement.
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 will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.
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. The premises owner should arrange for the Crime Prevention Officer to check the CCTV system within 4 weeks of the date hereof to ensure it complies with the conditions.

- 8. 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.**
- 9. 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.**
- 10. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.**
- 11. Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.**
- 12. The premises will adopt and support a Challenge 25 policy and accept passport and photographic driving licence identification.**
- 13. A refusals register should be kept on the premises at all times shall be available for inspection and be kept for a minimum of 12 months. The register shall include details of the persons refused the sale of intoxicating liquor, the date and time of the refused sale, description and apparent age of the person refused and details of the item refused.**

**Hearing held on the 28<sup>th</sup> of June 2011**

- 1) The current licence holder, Mr Dursan Karakas was not to be involved in any licensable activities and not to be on the premises after 18.00 hours of any day.**

Annex 4 – Plans





**Part B**

**Premises licence summary**

**Premises licence number**

**002213**

**Premises details**

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

**Happy Wines  
123 Mawney Road, Romford, RM7 7BH**

**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**

**Sunday to Wednesday 10.30 to 22.30  
Thursday to Saturday 10.00 to 23.00**

**The opening hours of the premises**

**Sunday to Wednesday 10.30 to 22.30  
Thursday to Saturday 10.00 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 Dogan ALBAY  
1 Forest Gardens, Tottenham, London N17 6XA**

**Registered number of holder, for example company number, charity number (where applicable)**

**Not applicable**

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

**Mr Tayfun ALBAY**

**1 of 2**

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

**Not restricted**

**2 of 2**

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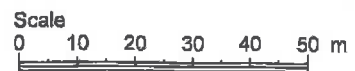


**123 Mawney Road**

Map Reference: TQ5088NW



Scale @ A4 1:1250  
Date: 08/02/2013



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

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## Public Notices

### LICENSING ACT 2003

Notice of Application For a Variation applied to London Borough of Havering to vary a Premises Licence in respect of the premises known as ALBAY FOOD & WINE, 123 MAWNEY ROAD, ROMFORD, RM7 7BH. The proposed change in this licence is: Supply of alcohol for consumption off the premises:

- from 08.00 to 23.00 on Sunday to Wednesday  
- from 08.00 to 00.00 on Thursday to Saturday  
Any person wishing to make representation in respect of the above activities may do so by writing to the London Borough of Havering Licensing Team, Mercury House, Mercury Gardens, Romford, RM1 3SL by 08 March 2013.

A copy of the premises application is kept by the London Borough of Havering Licensing Team, Mercury House, Mercury Gardens, Romford, RM1 3SL. The application can be viewed Monday to Friday, 9.00am to 5.00pm, except bank holidays.

Representations received after this date will not be considered. It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

Adas Group  
Tel: 0845 200 8424  
e-mail: info@adagroup.org.uk

### CONDITIONS OF ACCEPTANCE

## Bargain Buys

**MATERNITY CLOTHES** mainly size 12 with a few 14's. Tops, Trousers, Dresses. All great condition, some worn only once and a few still new. Clothes from Next, Mothercare, Red Herring etc., £30 the lot, no offers as over £300 worth of clothes. **ARSENAL FOOTBALL KIT** 12-18months and Arsenal PJ's, 18-24months, both still tagged as unworned gifts, £15 for both. Tel: 07987938410.

**BLUERAY DVD PLAYER** £25  
**ELECTRIC FOOT MASSAGER**, £20 FLYMO GRASS TRIMMER, swivel head, hardly used, £30.  
**TWO FLYMOS**, £15 each. **TWO SUEPERS**, £15 each. Tel: 01375 382307.

**LADIES 4 BLACK SHEEP-SKIN COAT** 12-14, coat £500, vgc, accept £65. **DUISKY PINK LOUNGE CURTAINS**, self pattern, 80in drop, in 10in window, fully lined, beaded, colour, by Rooms Upholster, vgc, accept £60. **THREE BOXES USED AT ONE WHITE** 1980s, accept

## Musical

**THE PIANO MAN**, 20/30, reconditioned piano, tuning, Removals, Rental schemes. We collect unwanted pianos. 01268 541001, 01708 343455

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118 Mawney Road  
Romford  
RM7 7JB  
01708 501554

16/02/2013

Homes, Housing & Public Protection  
London Borough of Havering  
Mercury house  
Mercury Gardens  
RM1 3SL



Dear Mr Hunt

RE: Application for premises licence: 123 Mawney Road RM7 7BH Ref: AGH/12514

I am writing to object to the above application. My objectives relate to the prevention of public nuisance, prevention of crime, and public safety.

My neighbours and myself are aware that the Albay Food and Wine, 123 Mawney Road have applied to extend the selling of alcohol from 8.00am in the morning, as well as extending opening hours to 11.00pm from Monday to Thursday, and extend the hours to 12.00am on Thursday Friday and Saturday.

I have already been disturbed for some time by Albay Food and Wine from the shop opening its door from 6.45am. In addition, this disturbance has been increased by the shop installing metal shutters on the front of the shop that are very noisy when removing them and pulling them down in the evening, disturbing the sleep of my family; a public nuisance.

Furthermore, the shop already attracts young drinkers that accumulate outside the shop and sit in the bus shelter. Their presence would be extend and increase further concern of possible disorder, public nuisance and crime. In addition, I am concerned of youths being provided with the facility to have further access to alcohol, and support to increase their alcohol consumption, as well as the detrimental affect alcohol can employ, such as making wrong choices; by becoming a public nuisance, and possible causing crime and disorder; thus disturbing myself and other, affecting public safety of those in close proximately.

The extension of the selling of alcohol, and extending licensing hours would attract and support those with a drinking problem, which could cause public nuisance and be detrimental to the environment and the community. Moreover, it could be argued that it is unethical for the community and the council to support and approve this application.

Yours sincerely

Sally Sayers



GT Licensing Consultants,  
31A Mildmay Road,  
Romford,  
Essex.  
RM7 7DA  
Tel 07810 826778  
em: gtlicensingconsultants@googlemail.com  
21/2/13

The Licensing Team  
London Borough of Havering.

Dear Sir / Madam,

**Albay Food & Wine, 123 Mawney Road, Romford, Essex RM7 7BH**

I wish to object to the application to vary the Premises Licence for Albay Food & Wine, 123 Mawney Road, Romford. The application is to extend the sale of alcohol until midnight Thursday to Saturday.

I am writing as a resident of the area.

I object under all four of the Licensing Objectives and due to the fact that the premises is located within a primarily residential area.

This off licence will become just another magnet for people wanting to buy alcohol later on those nights more than likely having also consumed enough so as to be intoxicated. This will lead to more noise nuisance, littering with empty cans and broken bottles, urination, criminal damage and general Anti Social Behaviour.

Mawney Road is already a transitory route for people returning from Romford and elsewhere often when drunk late at night and Albay will be another place to buy a drink for en route and for home. This could result in increased domestic violence.

I believe the off licence was subject to a Review some years ago following a failed test purchase(s) in which alcohol was sold to underage volunteers. Given that it is generally accepted that a failed test purchase is indicative of further undetected underage sales this is a serious issue when an off licence is involved.

The sale of alcohol to underage persons is a matter of serious concern in England and we frequently read the alarming figures involving teenagers with serious alcohol related problems including dependency and illnesses including cirrhosis of the liver a usually fatal illness. The seriousness with which the Government take the situation is reflected in the fact that the penalty for persistent selling of alcohol to underage persons is now a £20000 fine (persistent selling being defined as 2 offences within 3 months) and that the Section 182 Guidance under the Licensing Act says some matters are so serious that on a Review serious consideration should be given to revocation even on a first occasion.

At Part P the Operating Schedule there is no mention of any staff training whether on induction or refresher training, no mention of a personal licence holder being on duty late at night to ensure effective management control. There is no mention of notices being displayed to state Challenge 25 is in force or mention of steps to deter proxy sales.

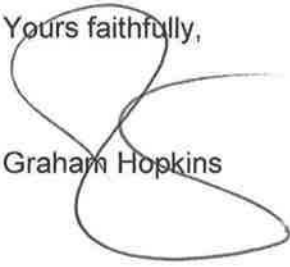
Premises Licence to ensure the robust promotion of the Licensing Objectives of Prevention of Harm to Children and Prevention of Crime and Disorder.

I urge the Licensing Sub Committee to reject the application in its entirety for the reasons

given but if they are minded to grant to impose robust conditions to prevent underage sales, anti social behaviour and public nuisance.

Yours faithfully,

Graham Hopkins

A handwritten signature in black ink, appearing to be 'Graham Hopkins', written over the printed name.

Ms. S. White

127. MAWNEY ROAD

DATE: 16-2-2013. ROMFORD R.M.7.7.B.H.

DEAR SIR.

With Reference to your letter for -

Premises Licence Application

Albany Food and Wine

at 23. MAWNEY ROAD. ROMFORD R.M.7.7.B.H.

I UNDERSTAND THE APPLICATION IS FOR OPENING HOURS TO BE 10<sup>AM</sup> TO 12 MID-NIGHT.

THE OBJECTIVE BEING -

THE PREVENTION OF PUBLIC NUISANCE.

TROUBLE IN THE PAST, GROUPS OF TEENAGERS

CROWLING AT BUS STOP OUTSIDE ALBANY FOOD

PREMISES. POLICE CALLED SEVERAL TIMES

AS A PENSIONER AND HUSBAND OF WORKING CLASS

NEIGHBOURS, THE NOISE OF CARS PULLING

UP AND DRIVING AWAY TILL 12.0 MID-NIGHT

WILL BE VERY DISTURBING. ALSO I THINK IT

WILL ENCOURAGE THE PUBLIC AFTER CHOOSING TIME FROM THE PUBS AND PUBLIC HOUSES IN THE AREA, AS I HAVE SEEN IT ALL BEFORE.

Hoping you will take this into consideration.

Yours Faithfully

Ms. S. White.

RESIDENT FOR 35 YEARS.