



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE LONDON FOOD CENTRE - REVIEW

AGENDA

10.30 am	Tuesday 25 February 2014	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Pam Light
Georgina Galpin

**For information about the meeting please contact:
James Goodwin 01708 432432
james.goodwin@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 - 6)

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 52)

Application for a Review of the premises licence for the London Food Centre, 271 London Road, Romford, RM7 9NY.

Andrew Beesley
Committee Administration Manager



LICENSING SUB-COMMITTEE 25 February, 2014

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

James Goodwin – Committee Officer
01708 432432
James.goodwin@havering.gov.uk

REPORT OF THE CLERK

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (REVIEW OF LICENCE)

This is a hearing to consider an application for a review of a licence under section 51 of the Licensing Act 2003. 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 member 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. Chairman's Briefing 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 review application or any representation.
- 3.2 During this representation validation meeting, no decision will have been made or discussion held regarding the substantive merits of the review 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 party requesting the review 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 7 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 on 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 party requesting the review of the licence
- 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 whose premises is the subject of the licence review.

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:
- Review of premises licences following closure orders made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
 - Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

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.



LICENSING SUB-COMMITTEE

REPORT

Date 25th February 2014

Subject heading:

**London Food Centre
271 London Road, Romford, RM7 9NY
Application for the Review of the
Premises Licence**

Report author and contact details:

Paul Campbell – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for the Review of the premises licence is made by Robin Ball Trading Standards Manager under section 51 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 8th January 2014.

Mr Ball is reviewing the premises licence under the grounds of the prevention of crime and disorder and the protection of children from harm. Stating that the London Food Centre has sold alcohol to underage volunteers on two separate occasions in just over two months, the latest sale occurring on 31st October 2013. The full report from Trading Standards is attached.

Geographical description of the area and description of the building

The premises are a single unit convenience store supplying a variety of groceries as well as alcohol.

The premises is a mid terrace property with living accommodation above.

It is located in a row of 5 shops on the south side of London Road approximately 12 metres west of Crowlands Avenue.

To the west of the row of shops there is the Nissan dealer at the junction of Jutsums Avenue.

551 metres to the west of the premises is the main entrance to St. Edwards Secondary School and 6th Form College.

From personal experience I know that the shop is used by children from both secondary and primary schools.

There are some other commercial premises in the vicinity of the shop but the area is mainly residential.

London Road is a busy thoroughfare as one of the main roads connecting Romford to Chadwell Heath and London.

A Map of the local area and a photo of the shop are attached to assist the Sub-Committee

The premises licence was granted in December 2005.

It was transferred to Mr Nazim Eren on 8th March 2010 with Serkan Eran as the Designated Premises Supervisor (DPS) at that time.

Mr Nazim Eren became the DPS at the premises on 6th August 2010.

There was a minor variation made in May 2010 to alter the layout of the premises but no applications to change times or conditions of the licence has been made.

Licensing Authority letters sent to Mr Nazim Eren at 29 The Waymarks, Weir Hall Road, London, N17 8LE. (The address given on transfer of the premises licence) have been returned to us and marked "no longer living at that address".

Mr Nazim Eren applied for his Personal Licence with the London Borough Of Havering stating that at that time he was living at 271 London Road Romford. The personal licence was granted on 11th June 2010.

No application has been made to change the address on his Personal Licence.

At the time of writing this report I can not confirm Mr Nazim Eren's home address.

Current premises licence hours:

Recorded Music, Supply of Alcohol		
Day	Start	Finish
Monday to Saturday	08.00	23.00
Sunday	08.00	22.30

Comments and observations on the application

The application was advertised on the London Borough Of Havering website and on the notice board at the front of the Town Hall. Licensing Officer Arthur Hunt attended to place the notice at the premises, when he returned at a later date the notice had been moved to an area of the window where it could not be read by the public, on his insistence it was repositioned but again when he returned on other occasions it had been covered by other notices. Mr Hunt can give full details of these events.

Summary

There were no representations in support or against this application from interested persons.

There were two representations in support of this application from responsible authorities – Metropolitan Police and the Licensing Authority

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

Responsible authorities' representations

Trading Standards, The Metropolitan Police and the Licensing Authority have detailed their concerns regarding the supply of alcohol at the premises in their reports and have requested that the Licensing Sub-Committee to revoke the premises licence relating to alcohol.

If the Sub-Committee is not inclined to revoke the licence they have outlined conditions to be imposed that they consider need to be in place as a minimum for this premises to operate supplying alcohol.

There were no representations from the other responsible authority.

Paul Campbell
Licensing Specialist
London Borough of Havering

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Havering
LONDON BOROUGH

John Wade
Public Protection Manager

Housing & Public Protection
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Hasan Sal
Sal & Co Solicitors
191 Angel Place
Fore Street
London
N18 2UD

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone ☎: 01708 433175

Date: 6th August 2010

Your Reference:
My Reference: PPC/003162

Dear Sir/Madam

Licensing Act 2003
Premises Licence
Licence Number - 003162
London Food Centre, 271 London Road, Romford, RM7 9NJ

Attached is the premises licence for the above address in accordance with the Licensing Act 2003.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

Full details of the Licensing Act regulations can be found on the Department for Culture Media and Sport (DCMS) web site www.culture.gov.uk/alcohol_and_entertainment

For further information relating to your Licence please contact the licensing authority at the above.

Please note that the granting of a licence under the Licensing Act/Gambling Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

THIS LETTER IS NOT A PREMISES LICENCE OR PROOF THAT A CURRENT VALID LICENCE EXISTS FOR THE PREMISES NAMED ABOVE.

NB – The Mandatory condition on this licence relating to ‘Age Verification Policy’ apply from 1st October 2010.

Yours faithfully

Paul Campbell
Licensing Officer



Premises licence number

003162

Part 1 - Premises details

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

London Food Centre
271 London Road, Romford RM7 9NJ

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Recorded Music, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Recorded Music, Supply of Alcohol
Monday to Saturday 08.00 to 23.00
Sunday 08.00 to 22.30

The opening hours of the premises

Monday to Saturday 08.00 to 23.00
Sunday 08.00 to 22.30

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 Nazim Eren
29 The Waymarks, Weir Hall Road, London, N17 8LE

1 of 3

Signed
Paul Campbell, Licensing Officer

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

N/A

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

Mr Nazim Eren
271A London Road, Romford, RM7 9NJ

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

London Borough of Havering – 009063

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.

Annex 2 – Conditions consistent with the operating schedule

The prevention of crime and disorder

- 1) The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded images shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.
- 2) The premises shall be kept securely locked and alarmed whilst the premises are unoccupied.
- 3) The staff and management shall monitor all customers whilst they are on the premises.

Public safety

- 4) All fire equipment shall be regularly checked and maintained.
- 5) All exit doors shall be kept clear of obstruction at all times.

The prevention of public nuisance

- 6) The staff and management shall ensure all reasonable steps are taken to recognise the rights of local residents and to encourage customers to behave in an orderly manner.
- 7) The front of premises shall be kept clear of persons congregating.

2 of 3

The protection of children from harm

- 8) 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.

**Annex 3 – Conditions attached after a hearing by the Licensing Authority
No hearing**

Annex 4 – Plans

**Full plans held by the London Borough of Havering licensing section
Plans shown not to scale**



Signed
Paul Campbell, Licensing Officer



Part B

Premises licence summary

Premises licence number

003162

Premises details

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

**London Food Centre
271 London Road, Romford RM7 9NJ**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Recorded Music, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

**Recorded Music, Supply of Alcohol
Monday to Saturday 08.00 to 23.00
Sunday 08.00 to 22.30**

The opening hours of the premises

**Monday to Saturday 08.00 to 23.00
Sunday 08.00 to 22.30**

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 Nazim Eren
29 The Waymarks, Weir Hall Road, London, N17 8LE**

1 of 2

Signed

Paul Campbell, Licensing Officer

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

N/A

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

Mr Nazim Eren

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

N/A

2 of 2



London Food Centre, 271 London Road

Scale: 1:1250
 Date: 28 January 2014
 Size: A4



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

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 Ordnance Survey 100024327





Address **A118**

Address is approximate

London Food Centre 271 London Road





London Food Centre, 271 London Road



Scale: 1:1000
Date: 30 January 2014



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

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Ordnance Survey 100024327

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Public Protection
London Borough of Havering
Trading Standards Service
5th Floor, Mercury House
Mercury Gardens
Romford
RM1 3SL

Private and Confidential

Nazim Eren
29 The Waymarks
Weir Hall Road
London
N17 8LE

Telephone: 01708 433431
Fax: 01708 432554
email: robin.ball@havering.gov.uk
Textphone: 01708 433175

Dear Mr Eren,

Date: 7th January 2014

Licensing Act 2003
Review of Premise Licence
London Food Centre, 271 London Road, Romford

Please find attached an application for a review of the above mentioned premise licence.

Attached to this letter you will find a number of documents which you should read. If you are in any doubt as to the meaning of the contents of any of the documents you should consider seeking legal advice immediately.

Should you require any further information regarding this matter please do not hesitate to contact me on 01708 433431.

Yours Faithfully

Robin Ball
Trading Standards Manager

Cc:

Metropolitan Police, Licensing Office, Romford Police Station, 19 Main Road, Romford RM1 3BJ

Fire Safety Regulation, North East Area 2, London Fire Brigade, 169 Union Street, London, SE1 0LL

Licensing, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Health and Safety Section, Environmental Health Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Public Health Section, Environmental Health Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Trading Standards Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Planning Control and Enforcement Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Children and Families' Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Practice Improvement Lead, Havering Clinical Commissioning Group, c/o Town Hall, Main Road, Romford, RM1 3BD



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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 Robin Ball, Trading Standards Manager

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
London Food Centre 271 London Road	
Post town Romford	Post code (if known) RM7 9NJ

Name of premises licence holder or club holding club premises certificate (if known) Nazim Eren, 29 The Waymarks, Weir Hall Road, London, N17 8LE

Number of premises licence or club premises certificate (if known) 003162

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Robin Ball, Trading Standards Manager London Borough of Havering Trading Standards Service 5 th Floor, Mercury House Mercury Gardens Romford Essex RM1 3SL
Telephone number (if any) 01708 433431
E-mail address (optional) robin.ball@haverling.gov.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The London Borough of Havering Trading Standards Service is committed to preventing underage sales of alcohol within the Borough.

The London Food Centre in London Road, Romford has sold alcohol to underage volunteers on two separate occasions in just over two months, the latest sale occurring on 31st October 2013.

We believe that two failures within such a short period of time demonstrates that the premises has failed in its duty to protect children from harm.

Please provide as much information as possible to support the application
(please read guidance note 2)

The London Food Centre is an off licence/grocers at 271 London Road, Romford. The premise licence holder and designated premises supervisor (DPS) is a Mr Nazim Eren.

On 28th May 2012 the trading standards service received a complaint that the trader was selling alcohol to underage persons.

On 15th September 2012 the premises was visited as part of a test purchase exercise. Two volunteers were used, aged 15 and 16, one male and one female. The premises were visited at approximately 4:50pm. The volunteers were challenged for ID and no sale was made.

On 30th August 2013 at approximately 3:15 pm two volunteers entered the premises, a fifteen and a sixteen year old female. The volunteers were sold one bottle of Rose Echo Falls Wine (12%vol). The sale was made by a Beyhan EREN. Mr Eren did not challenge the volunteers as to their age or request any identification. Mr Eren, claimed to be the nephew of the DPS and was not a personal licence holder. He was issued with a fixed penalty notice for the offence.

The DPS was not present at the time of the sale and no refusal book could be found.

Following the failure a meeting was held with the DPS, Nazim Eren and his son Serkan Eren. The meeting was held in the Town Hall on 24th October 2013 and the following responsible authorities were present; Arthur Hunt from Licensing, PC Rose from the Metropolitan Police Service, Alice Peatling from Childrens Services and Sasha Taylor and I representing the trading standards service. A Turkish translator was also provided to assist Nazim Eren whose English is not very strong.

It was explained at the meeting that underage sales of alcohol are taken very seriously by the authority and the DPS was asked what systems were in place to prevent underage sales. A refusal log was produced by the DPS who claimed it had been on site at the time of the test purchase failure. It was noted that Serkan Eren had filled out entries in the log and it was later established that Serkan was only 17 years old. It was made clear that at 17 he was too young to make unsupervised sales of alcohol.

Serkan then claimed to only stack shelves and that sometimes he would fill out the refusal log on behalf of his colleagues. PC Rose challenged this position, that if we were to check the CCTV at the venue whether we would see Serkan working behind the counter. Both men were confident that Serkan did not work behind the counter.

The purpose and operation of challenge 21 were clearly explained to both men and concerns were raised that we did not believe that adequate training was being given to all staff at the venue.

It was explained that further visits would take place and that amendments to the licence alone were not sufficient. The venue needed to actively operate the recommendations proposed.

It was suggested that challenge 21 should become a condition on the licence, that extra training should be undertaken by all staff, and that this training should be provided by an outside company. It was suggested that there should be a condition requiring a refusal log to be maintained and kept on the premises. It was also made clear that only the person refusing the sale should fill out the book.

On 31st October 2013 the premises were revisited at approximately 16:30pm with two volunteers, one male and one female, both aged 16. On this occasion the volunteers were sold a bottle of WKD Wicked, with an alcohol content of 4%. The volunteers were not challenged as to their age or for any identification. The sale was made by a Serhat EREN, a 17 year old male. Serhat was alone on the shop floor at the time of the sale but another member of staff, Bayajan Eren was on the premises at this time.

The DPS was not present at the time of the sale, but was contactable and returned to the premises when requested. A refusal log was produced with the last entry being 16th October 2013.

The trading standards service is concerned that on two occasions within a short period that the venue has demonstrated an inability to prevent underage sales. We are particularly concerned that a further failure should occur so soon after a meeting intended to help the business come to compliance and that the most recent sale was made by an unsupervised minor.

The trading standards service has lost confidence in the management of this venue and believe that the failures are sufficiently serious that revocation of the licence should be considered.

If the committee do not feel this is appropriate then we would suggest that robust conditions are required to prevent further underage sales at the venue and that the licence should be suspended whilst the systems and procedures are brought up to standard.

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

N/A

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

7 Jan 2014

Capacity

Trading Standards Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Haverling
LONDON BOROUGH

6045

John Wade
Public Protection Manager
MAN: 10189
Housing & Public Protection
5th Floor Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

Telephone: 01708 433416
Fax: 01708 432554
email: trading_standards@haverling.gov.uk
Textphone: 01708 433175
Date: December 2010

5/4/11

CHALLENGE 21 CODE OF PRACTICE

Trading Name: London Food Centre

Address: 271, London Road
Romford
RM7 9NJ

Telephone Number: 01708 609928

Owner/Manager: Nazim Eren
+ OPS

I/we agree to comply with the London Borough of Haverling's Challenge 21 Code of Practice for the supply of age restricted products. I/we understand that approval notices can be withdrawn by the Local Authority for any breach and that ownership of the notices rest with the London Borough of Haverling.

Signed: X [Signature]

Name Printed: X Nazim Eren

Date: X 05.04.11

THANKYOU FOR COMPLETING THIS FORM

Community Legal Service



0294



INVESTOR IN PEOPLE

LONDON BOROUGH OF HAVERING

Statement of witness

(CJ Act 1967, s9: MC Act 1980, ss5A(3)(a) and 5B, MC Rules 1981, r70)

Statement of : Martin Turner

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

Occupation of Witness : Weights and Measures Inspector

This statement, consisting of 3 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 21 November 2013

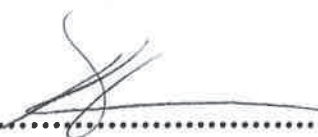
Signed : 

I am a Weights and Measures Inspector with the London Borough of Havering Trading Standards where I have worked for approximately 10 years. On 30th August 2013 accompanied by my colleagues Senior Trading Standards Officer Josile Monroe and Senior Fair Trading Officer Sasha Taylor we carried out an underage sale operation. Before we left our offices our two female volunteers aged 15 and 16 were weighed, and had their height measured and my colleague Josile Monroe took photographs. We were also accompanied by a Police Officer Constable Samuels, No. KD696. One of the shops we visited was London Food Centre 271 London Road, Romford, Essex RM7 9NJ. At approximately 15:15 I was instructed by Sasha Taylor to enter the London Food Centre and was shortly followed by our volunteer aged 16 number 11. While I was in the shop I witnessed the volunteer approach the counter holding a bottle which I now know to be 1 bottle of Rose Echo Fall Wine 12% alcohol volume 75cl the wine cost £4.99. During the sale I did not hear the assistant who I now know to be Bayhen Eren question our volunteer at any time during the sale, our volunteer subsequently left the shop and I followed. I then re-entered the shop accompanying Sasha Taylor and confirmed that the person behind the counter was the seller. The seller identified himself as Bayhen Eren date of birth

Signed : 

03.05.1983. Home address Flat 29 The Weymarks Weir Hall Road London N17 8LE. Sasha Taylor then continued to questioned Mr. Eren, there were no other persons present in the shop. I remained in the shop while the police officer, asked for his details and completed a fixed penalty notice while Sasha Taylor spoke to someone on the telephone about the sale. We left the shop at 15:45.



Signed : 

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 : Senior Fair Trading Officer

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 20th _____ day of November 2013

Signed : 

I am a Senior Fair Trading Officer with the London Borough of Havering Trading Standards where I have worked for approximately 20 years. On 30th August 2013 accompanied by my colleagues Senior Trading Standards Officer Josile Monroe and Weights & Measures Inspector Martin Turner we carried out an underage sale operation. Before we left our offices, the two female volunteers aged 15 and 16 reference number 11 and 15 were weighed, and had their height measured and my colleague Josile Monroe took photographs. We were also accompanied by a Police Officer. One of the shops we visited was London Food Centre 271 London Road, Romford, Essex RM7 9NJ. At approximately 15:15 I instructed Martin Turner to enter the London Food Centre and he was shortly followed by our volunteer aged 16 number 11. Shortly after the volunteer came out of the shop carrying a bag which contained 1 bottle of Rose Echo Fall Wine 12% alcohol volume 75cl the wine cost £4.99. After the sale Martin, the Police Officer and I all went back into the shop to speak to the seller whilst the volunteer went to a safe place with Josile Monroe. Upon

Signed : 

entering the shop I introduced all of us and showed my credentials to the male behind the counter. Martin Turner who had witnessed the sale confirmed that the person behind the counter was the seller. The seller identified himself as Beyhan Eren date of birth 03.05.1983. Home address Flat 29 The Weymarks Weir Hall Road London N17 8LE. He said that he was the nephew of the Designated Premise Supervisor (DPS). I asked if the DPS was available over the telephone, he called a telephone number and the person who answered was a Serkan Eren he informed me he was the son of the DPS he said his father did not speak very good English and wasn't available. I explained to Mr Serkan Eren what had happened and that I would be inviting his father in for a meeting to discuss the sale and procedures of how the shop was run. There was no refusal book present at the shop and no till prompts. When we left the shop sealed I the alcohol in bag number P00720288. On Thursday 24th October 2013 Mr Nazim Eren and his son Mr Serkan Eren attended a meeting to discuss the failed test purchase and advice on how the business could improve to prevent further underage sales. The meeting was held at the Town Hall in Romford. Persons present were Specialist Trading Standards Officer Keith Bush, Arthur Hunt from Licensing, Jason Rose Police Licensing Officer, Alice Peatling from Childrens Services and a Turkish Interpreter.



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 : **FREDERICK HOLMES**

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

Occupation of Witness : **SENIOR FAIR TRADING OFFICER**

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 16th day of DECEMBER 2013

Signed : 

I have been employed by the London Borough of Havering Trading Standards Service for twenty seven years and have been a Senior Fair Trading Officer for twenty four years. On the afternoon of the 31st October 2013 I took part in an operation concerning the sale of underage products in particular alcohol and fireworks. Accompanying me on this operation were Fair Trading Officer Floyd Rowe Trading Standards Officer Katalin Morath and Police Licensing Officer Lee Davies. Our volunteers during this Operation I am referring to as reference number 19 who is male and sixteen years old on the day of the Operation and reference number 11 from our list of volunteers who is female and sixteen years old on the day of the Operation. Prior to commencement of the operation full length and head shot photographs were taken of the volunteers. At approximately 16.25 p.m. I entered the premises of London Food Centre 271 London Road Romford RM7 9NJ in an attempt to see if our volunteer reference number 19 could purchase alcohol. At approximately 16.30 p.m. I saw our volunteer enter the shop and take from the selection of alcohol a bottle of WKD Wicked which he took to the counter. I observed the seller take the money from our volunteer for the cost of

Signed : 

the alcohol without asking him for either his age or if he had any identification. After our volunteer left the shop I paid for my purchases and left the shop. There was no one else present in the shop during the sale. Shortly afterwards I returned to the shop with Mr. Rowe and P.C. Davies. I spoke to the seller and introduced myself. The seller identified himself as Serhat Eren and gave his date of birth as 19th November 1996 making him seventeen years old and his address as 166 Edgecott Grove Tottenham N15 5HH. Also present at this time was a man who gave his name as Bayajan Eren who informed me he was the Uncle of Serhat Eren. I explained to Bayajan Eren his nephew had sold alcohol to an underage volunteer Mr. Bayajan Eren said he had been at the rear of the shop washing his hands and that Serhat did not serve in the shop but only stacked shelves. I asked Bayajan Eren if he was the proprietor or DPS (Designated Premise Supervisor). He replied no his Brother Nazim Eren was the proprietor and D.P.S and was at the cash and carry. I asked how long he would be Bayajan Eren said he would ring him to return to then shop. Bayajan Eren made a phone call requesting his Brother to return to the shop. Whilst waiting for Mr. Nazim Eren to arrive I spoke to Serhat Eren. I asked him if he had received any training relating to age restricted products he replied he received training from his Dad and was aware of Challenge 21. He informed me he thought our volunteer was over twenty one years of age. I informed him he had not asked either for age or identification. At approximately 16.55 p.m. Mr. Nazim Eran arrived. He confirmed he was the D.P.S. and proprietor of the shop. I explained I had observed his son sell alcohol to our volunteer. He informed me his son Serhat did not serve in the shop and only stacked shelves. He showed me a photocopy of the Premise Licence which showed his address of 29 the Waymarks Weir Hall Road N17 8 LE. I asked to see the refusals book which was produced and showed the last entry dated 16th October 2013. P.C. Davies asked to see the original of the Premise Licence but Mr. Nazim Eran was unable to locate the Premise Licence. Serhat Eren said he had visited the Council offices with his Father recently and the Premise Licence may have been left. I informed Mr. Nazim Eren I would write to him regarding this matter and would need to interview him formally. We then left the premises.


Signed :.....
Page 38



Public Protection

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

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 4 February 2014

The Appropriate Licensing Officer
Licensing Authority
London Borough of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

My Reference: AGH 13478

Dear Sir

Licensing Act 2003
London Food Centre, 271 London Road, RM7 9NJ
Review of premises licence.

With regards to the above I can confirm that this Licensing Authority wishes to make representation *in support of* this application based upon our concerns in relation to the prevention of harm to children licensing objective. The premises have been the subject of two underage sales within a 3 month period.

The application

The application from Trading Standards details the process by which two underage sales were committed by the premises.

Following the first underage sale on the 30 August 2013 I visited the premises on the 6 September 2013 and conducted a licensing inspection. The Designated Premises Supervisor (DPS), Mr Nazim Eren was on site that day. It was clear that English was Mr Eren's second language and it became difficult to conduct the inspection. There were several issues that required addressing, and these were sent to him in the form of a letter dated the 6 September 2013. A copy is attached below for reference.

One of the issues surrounded the locating of alcoholic drinks in the same space as soft drinks. I explained to Mr Eren, that although it was not a condition of his licence, it was good practice to display alcoholic and soft drinks in separate areas, thus making it easier for him to supervise when children enter his shop. The shop is within walking distance of St Edwards Church of England School and Sixth Form College. He agreed that he would carry this out. I will detail below that I have visited the premises on four further occasions and this has not been resolved.

On the date of my visit, I was informed that the CCTV had developed a fault over the preceding weekend. I understand that as part of the second underage sale process that

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Mr Eren was asked to provide the CCTV for the sale by the Police. However, this has never been supplied.

As part of the review process the premises were asked to display a notice informing the public that an application had been received. Initially Trading Standards officers made the request and supplied the licence holder with a laminated copy of the notice. I attended the premise on the 10 January 2014 and was unable to find the notice on display. I returned on the 13 January 2014 and found the notice had been placed in the top left hand corner of the main shop window and was obscured by notices and produce. I entered and spoke with staff, who gave their name as Serkan Eren, as Mr Nazim Eren was not present, and informed him that the notice should be in an un-obscured location in order that the public could read its contents. The notice was placed on the shop door just below eye level. I returned on the 20 January 2014 and 24 January 2014 and found that the notice had been moved or obscured. I had the notice repositioned on both occasions. On the 29 January 2014 I found that the notice was in the same position but was covered with smaller promotional stickers. I entered the premises and on this occasion Mr Eren (DPS) was in attendance with Mr Serkan Eren. I pointed out to him that the notice should be clear for the public to read. He appeared to have difficulty in understanding me and Serkan Eren stated that he would fully explain the importance of the notice. I informed both men that I would be checking on the premises further. I visited on the 31 January 2014 and a colleague on the 1 February and found that the notice had not moved or been covered in any way.

I was present, on behalf of the Licensing Authority, on the 24 October 2013, when Trading Standards called a meeting with Mr Eren. He attended the meeting at the Town Hall with his 17-year-old son, Serkan Eren. Other Responsible Authorities in the form of the Police and Children Services were also in attendance. At my suggestion, an interpreter attended the meeting, to ensure that Mr Eren was left in no doubt as to the importance placed upon the protection of children by the attendant Responsible Authorities.

Mr Eren made assurances that the situation would never arise again.

A week later another underage sale was made at the premises.

Conclusion

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

The importance of protecting children from harm is recognised by many sources including:-

Havering's Licensing Policy 021

4.27 The LLA also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children. The LLA will be looking for management arrangements to be in place to address this.

Also the guidance issued under Section 182 Licensing Act 2003 (The Guidance) states at Para 2.26:-

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The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- it is known that unaccompanied children have been allowed access;*

Mr Eren has failed to adhere to these principles in making a sale to an underage volunteer himself on the first occasion. He has also failed his staff as they made an underage sale. The Guidance at Para 10:46 :-

The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

The Guidance at Para 11.19 states:-

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

Firstly, in support of the other Responsible Authorities in this matter, I would ask the committee to consider revoking the licence for this premise.

Mr Eren has clearly failed to understand the importance of this issue, even when invited to meet with the Responsible Authorities and discuss how this situation could be prevented from repetition. His son, although only 17, was also at the meeting and appeared to fully understand the concerns expressed by all the Responsible Authorities. It was hugely disappointing that a week later Mr Eren's son should make a further underage sale. This was after he informed the Responsible Authorities at the meeting that he only stacked shelves at the premises. Under questioning he re-iterated that he did not serve customers, especially with alcohol. It is my opinion that the Responsible Authorities could have not done anything further to impress upon Mr Eren and his son the importance of compliance in this area of licensing law. There seems to have been a blasé disregard of the Responsible Authorities and their concerns by Mr Eren; who is licence holder and DPS for the premises.

If the committee do not feel revocation appropriate, I would request that they at least consider the removal of Mr Eren as DPS together with the imposition of the additional

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conditions, detailed below, on the premises licence to reinforce the prevention of harm to children licensing objective.

A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport.

All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

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**

All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, on-going and under constant review, and must be available to a relevant Responsible Authority when called upon.

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

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.

Alcohol and soft drinks are to be stored in separate and clearly segregated areas.

Yours faithfully



**Arthur Hunt
Licensing Officer**



Public Protection

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

Mr Nazim Eren
29 The Waymarks
Weir Hall Road
London
N17 8LE

Telephone: 01708 433585
Fax: 01708 432554
email: arthur.hunt@havering.gov.uk
Textphone ☎: 01708 433175

Date: 6 September 2013

My Reference: AGH//SR 030089

Dear Mr Eren

London Food Centre, 271 London Road, Romford, RM7 9NJ

In relation to the visit I made to the above premises on 6 September 2013 the following items need to be addressed :-

- **The CCTV system shall be in operation at the premises at all times when the premises are used for licensable activities. Recorded images shall be kept for 28 days and be available for inspection by police and Council officers at all reasonable times.** At the time I visited your premises the CCTV was not working. You stated that it had broken yesterday, however you were vague about when it would be fixed. I advised you that this sort of issue should be recorded in a Premises Daily Register, in order that inspecting authorities could ascertain how long the fault had existed and what steps you were taking to remedy the fault.
- **All fire equipment shall be regularly checked and maintained.** The fire extinguishers you produced were not kept in the location detailed on your premises plan. They also do not appear to have been regularly checked and maintained. I have forwarded this information to the colleagues at the Fire Safety Regulation Authority.
- **All exit doors shall be kept clear of obstruction at all times.** There were numerous bottles of drink on the floor around the premises including by the front door. You should keep your exits clear.
- **There were alcoholic and soft drinks stored side-by-side in the fridge.** Alcoholic and soft drinks should be stored in different locations, to assist children differentiate between items that they can and cannot consume. This is essential as your premises has made an "underage sale" within the last month.

My next visit will be in 1 - 2 months (this may be sooner if circumstances dictate) on that occasion I will need to inspect the following items to check compliance :-

- Premises Licence
- Part "B" of the licence correctly displayed
- Records that need to be kept in accordance with the Premises Licence
- Any refuse to serve book / record
- Designated Premises Supervisors Personal Licence

I would advise you to create a daily premises register for the shop. You can use this to record things such as, CCTV faults, record sale refusals and other pertinent matters.

The items described overleaf need to be resolved as soon as possible. I will re-visit in the next month or so and expect the matters to have been resolved.

Yours faithfully

Arthur Hunt
Licensing Officer

**KD - Havering Borough
KD - Romford Police Station**

Licensing Office
London Borough Of Havering
Mercury House
Mercury gardens
RM1 3SL

Romford Police Station
19 Main Road
Romford
RM1 3BJ
Telephone: 02082179283
Facsimile:
Email: Lee.davies3@met.pnn.police.uk
www.met.police.uk

Your ref:
Our ref: London Road Food Centre

28/01/2014

Police have been served a review by Trading standards for the following premises **London Road Food Store, 271 London Road, Romford, Essex, RM7 9NJ**. Police wish to support the observations under two of the four Licensing objectives.

- 1, Prevention of Crime and Disorder
- 2, The protection of children from harm

The premise is situated on the main road linking Romford to Chadwell Heath, and is set within a parade of shops, with close proximity to St Edwards secondary and sixth form school. The sixth form college has a mixture of school uniform and plain clothes dress.

The following reports have been found when researching police indices in relation to incidents at the location.

5412862/13 - Underage alcohol sale**Friday 30th August 2013 @15:15 - 15:32 hours**

Police and trading standards conducted a test purchase operation at the premises with the aim of testing the availability of alcohol. The volunteer on this deployment was 16 years of age. Having entered the premises the volunteer purchased a bottle of Echo falls Rose wine with an alcohol content of 12%, the sale was witnessed by trading standards officers. Police and trading standards officers put the allegation to the shop worker Mr Beyhan EREN and he was issued with an £80 fixed penalty notice. Mr EREN did not challenge the volunteer about age and did not ask for any form of identification. At the time of the sale the designated premises supervisor Mr Nazim EREN was not present.

Thursday 24th October 2013**Meeting with Trading standards and the premise owners**

On the above date Trading standards held a meeting with the owners of the London road food store, in conjunction with Police, London borough of Havering licensing officers and a member from London borough of Havering child services, this meeting was to address the issues surrounding the underage sale on 30th august 2013.

Mr Nazim EREN and his son Serkan EREN were present as well as a Turkish interpreter. During the meeting it was made clear to Mr EREN that the underage sale was not acceptable and all appropriate steps must be taken by the venue for this not to be repeated. The premise was placed on an action plan informing Mr Nazim EREN of the following points. 1) He and all staff members were to be retrained by an outside agency. 2) To read and understand his licence. 3) To implement challenge 21 scheme. And 4) above all else it was made clear that trading standards would be conducting further test purchase visits to the premises to ensure compliance.

KDRT00291125 - Underage alcohol Sale**Thursday 31st October 2013 @ 16.20 hours**

This operation was carried out six days after the meeting with trading standards as previously referred to. On this occasion the test purchaser was 16 years of age and purchased a bottle of WKD, the test purchaser was not challenged about his age and was not asked for identification of any sort, the seller of the alcohol was 17 years old and was not supervised by anyone at the premises, he gave his name to police as Serhat EREN. Police and trading standards pointed out the offence to him. Once again, Mr Nazim EREN the designated premises supervisor was not present before, or during the sale and was contacted by phone and asked to come to the premises. Once he arrived he was informed of what had happened. Police requested a copy of the CCTV, but were informed no one on the premises could use the system to download it. During the visit the full premises licence was unable to be produced when requested; part B was displayed. Pc DAVIES has completed a police statement in relation to this sale which is available to the sub-committee.

5416656/13 - Common Assault

Saturday 9th November 2013 @ 17:00 hours

The victim in this case was walking passed the store when he was hit on the head by an onion that was thrown from the direction of the premises. The victim looked around and saw the suspect go back into the store. The victim went into the store to ask why the suspect had thrown the onion at him, having entered the store, the suspect grabbed the victim by the back of the neck and shouted at him, the victim was unable to understand what the suspect was saying; The suspect then threw the victim out of the store. At this time the suspect has not been identified. It is unknown if this suspect is a staff member.

5417883/13

Monday 2nd December 2013 @11.40 - 12.00 hours

Mr Nazim EREN is currently in the judicial system having been charged with an offence on 14/01/2014 (Offence took place at the venue premises). The case has been committed to crown court on 10/02/2014, further information is available to the sub-committee when requested as it is of a sensitive nature.

In summary, Police fear that the premises are not promoting the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm. The venue has been given consultation periods and advice from responsible authorities in how to prevent further underage sales; however a secondary failure is not a coincidence. Police believe it shows an unacceptable level of incompetence, by the licence holder, DPS and employees.

Police are extremely concerned the premises have sold alcohol to underage persons on two occasions. The owner Mr Nazim EREN by his own admission speaks very little English, this was supported by the fact he required an interpreter at the previously aforementioned case conference. Mr EREN stated in this meeting that he works at the premises alone between the hours of 0800 to 1600 hours. This period is of serious concern as it covers school hours. Increase foot traffic of school children will be present at the premises, both attending and departing school. With the knowledge of the nearby sixth form school where some students attend in plain clothes simply heightens the probability of future sales to underage persons. Police do not have any confidence in the venue, and the staff that work there to resist temptation.

Police whole heartedly support trading standards request to revoke the premises licence. It is believed adding further conditions for this particular premise will insufficient.

That said, if the sub-committee feel revocation is not appropriate, police would like to include the following suggestions and recommendations.

- 1) A suspension of the licence for a period of time so that the venue can improve procedures addressing their failings with underage sales.
- 2) Mr Nazim EREN to be removed as the designated premises supervisor.
- 3) A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport. Challenge 25 provides a 7 year gap, and would encourage staff to check identification more often.
- 4) 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.
- 5) 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

6) 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 premise is open.

7) A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premise is 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) Recordings shall be made available to an authorised person of the Licensing Authority or Havering Police together with facilities for viewing.

9) A refusals log should be made available to police and an authorised person from the licensing authority on request

The issue of the CCTV facilities at the venue came to light whilst police were investigating Mr EREN's arrest. No employee was able to download the footage police required. Due to the nature of the allegation; police seized the CCTV hard drive for further inspection. During this analysis images were not able to be viewed via the stations CCTV unit. As such the hard drive was taken to Newlands Park, a police forensic and digital services centre for downloading. Police were informed the footage could not be viewed or even copied due to the circuit board in the machine having burnt out. Officers were informed by technical experts that the machine would take several months to repair and would prove extremely costly.

If I can be of any further assistance in this matter please do not hesitate to contact me

Yours sincerely,

Pc Lee DAVIES
Licensing Department
Havering Borough

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Lee DAVIES** URN:

01	KD		13
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 220013**.....

This statement (consisting of:**2**.... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Lee DAVIES I have been employed by the Metropolitan police service for nine and half years in the rank of constable.

This statement relates to an operation conducted in conjunction with officers from trading standards, and the purpose of the operation was to conduct underage alcohol sales at selected venues within the London borough of Havering.

On Thursday 31st October 2013 I met up with officers from trading standards Frederick HOLMES, Katalin MORATH and Floyd ROWE, also present were two volunteers, a male aged 16 years and a female aged 16 years. At about 16.25 hours we arrived at the first location The London Road food centre, 271 London road, Romford, Essex, RM7 9NJ, I waited in the vehicle, about five (5) minutes later I was made aware that the venue had sold alcohol to the volunteer and that the volunteer was not asked his age or asked for identification to verify his age. I made my way back into the shop along with Frederick HOLMES and Floyd ROWE; Frederick spoke to the seller and introduced himself as the trading standards officer, The seller of the alcohol identified himself with his provisional driving as Mr Serhat EREN dob 19/11/1996 of 166 Edgecott Grove, Tottenham, N15 5HH, Also Present was Bayajan EREN dob 03/05/1983 of 29 Waymark Weir Hall Road, Tottenham, N17 8LE he informed me that he was the uncle of Serhat EREN and the brother of the premises supervisor Mr Nazim EREN. Frederick explained to Bayajan EREN that his nephew Serhat has sold the alcohol to the underage volunteer. Bayajan stated that he was in the back room washing his hands and that Serhat did not make the sale, he only stacks the shelves.

I asked Bayajan if I could see a copy of the premises licence, he pointed to a copy that was taped to the top of the cigarette vending area, I asked him for the hard copy of the licence which he could not produce, I asked if the premises supervisor was available to speak to, Bayajan made a phone call and about 25 minutes later a male walked into the shop and gave his details as Nazim EREN dob 02/04/1966 of 166 Edgecott Grove, Tottenham, N15 5HH, he also identified himself as the (DPS) dedicated premises supervisor, I asked him for a copy of his licence, to which he could only produce a photocopy.

Signature: Signature witnessed by:

Continuation of Statement of **Lee DAVIES**.....

Frederick explained to Nazim EREN the reason for our visit and that his son Serhat had sold alcohol to a person under the age of 18, Nazim then addressed his son and spoke to him in a language that I am not familiar with.

I completed a fixed penalty notice and cautioned Serhat EREN to which he replied that he understood the caution whilst under caution I asked Serhat some questions in relation to the alcohol sale.

I said, "Do you work at the London road food centre, 271 London road, Romford, Essex"

Serhat replied "Yes"

I said "Were you in the premises London road food centre, 271 London road, at 16.30 hours"

Serhat replied "Yes"

I said "Did you sell a bottle of WKD to male at this time"

Serhat replied "Yes"

I said "Did you ask the male for proof of his age"

Serhat replied "No"

I said "How old do you think the male is"

Serhat replied "23-24"

I said "Does the premises operate a challenge policy such as challenge 21 or challenge 25"

Serhat replied "Yes challenge 21"

I said "Is there any reason why you did not ask for I.D"

Serhat replied "I thought he looked older than 21"

Serhat then signed a copy of the form and I gave him a duplicate, Frederick then advised Nazim EREN that he would be writing to him in relation to the alcohol sale, we then left the premises.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 403KD 220013 Lee DAVIES** Station: **Romford**.....

Time and place statement taken:

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