



LICENSING SUB-COMMITTEE LONDON FOOD CENTRE

AGENDA

10.30 am	Tuesday 16 September 2014	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Wendy Brice-Thompson
Gillian Ford

**For information about the meeting please contact:
James Goodwin 01708 432432
james.goodwin@onesource.co.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 - 58)

Application for a premises licence at London Food Centre, 271 London Road, Romford, RM7 9NJ.

**Andrew Beesley
Committee Administration & (Interim) Member
Services Manager**

LICENSING SUB-COMMITTEE

REPORT

16 September, 2014

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

James Goodwin (01708) 432432
e-mail: james.goodwin@onesource.co.uk

Members are advised that, when considering application for 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. 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 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 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 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:
- 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.

LICENSING SUB-COMMITTEE

REPORT

16 September 2014

Subject heading:

London Food Centre
 271 London Road Romford RM7 9NJ
 Premises licence
 Paul Jones, Licensing Officer
 Mercury House
 x 2692

Report author and contact details:

This application for a premises licence is made by Cansu Eren under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 28th July 2014.

Geographical description of the area and description of the building

London Food Centre is a convenience store in a parade of five shops located at the junction of Crowlands Avenue and London Road. The premises is located on the ground floor of a two storey property. The first floor appears to be residential however the premises plans suggest that there is no direct access between the ground and first floor. The site is approximately 500 metres from St Edwards School and Sixth Form College. A map of the area is attached.

Details of the application

The application is to permit the following:

Supply of alcohol (off premises), recorded music & hours premises open to the public		
Day	Start	Finish
Monday to Saturday	08:00	23:00
Sunday	08:00	22:30

There is no application for any seasonal variations or non-standard timings.

Comments and observations on the application

The applicant acted in accordance with regulations 25 and 26 of *The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005* relating to the advertising of the application. The required public notice was installed in the 1st August 2014 edition of the Romford Recorder.

The application seeks to permit the provision of recorded music as “the principle entertainment provided”. “Principle entertainment” might imply that other forms of entertainment are to be provided also. One might normally not expect an off-licence to provide any public entertainment; indeed, recorded music played as ‘background music’ whilst customers purchase groceries might appear to be ancillary to the main activity of the premises and therefore not licensable under these circumstances. An application to include the provision of recorded music for public entertainment purposes might require further clarification from the applicant.

The application includes premises plans which appear contradictory. The plans contain a bold red line around the perimeter of the premises. This red line “delineates the ambit of licensable activities”. This suggests that the supply of alcohol and the provision of recorded music may be provided anywhere within the red line, including the currently non-public areas of the kitchen and store. Within the public area, however, the applicant has defined three specific shelf locations where alcohol may be displayed for retail purchase. This appears to be contrary to the implication of the ‘red line ambit’. The red line suggests alcohol may be displayed anywhere and everywhere within the red line while the identified shelves suggest the alcohol display areas are limited. The ‘red line’ version might legitimately result in the premises selling alcohol exclusively while the identified shelves indicate that the premises remains a grocery convenience store which *also* sells alcohol.

This application appears to have been made to reinstate a premises licence at this site. A premises licence numbered 3162 for the *London Food Centre* was previously held by a Mr Nazim Eren, who is believed to be related to the applicant for this licence. Licence 3162 was revoked by Havering’s licensing sub-committee on 25th February 2014 subsequent to Havering’s Trading Standards service seeking a review of the licence. Staff at the premises sold alcohol to minors volunteering in test purchase exercises on two occasions within a two month period. Mr Eren made an appeal against the revocation decision. This appeal permitted the premises licence to remain in force until the appeal had been determined by magistrates. Mr Eren subsequently withdrew the appeal on 15th August 2014, a little more than two weeks after this application was submitted.

Currently the premises is not licensed to sell alcohol; however, an inspection of the premises by the district licensing officer found that alcohol still occupied publicly accessible shelf-space within the store 24 hours after Mr Eren decided to acknowledge that the licence revocation was now in effect by withdrawing his appeal against the revocation. Further to this, the premises licence summary was on display within the premises indicating to members of the public that the premises was *still* licensed to sell alcohol. Subsequent observations made on 22nd August 2014 found that alcohol was still located on publicly accessible shelves within the premises a week after the licence revocation took effect.

Exposing alcohol for unauthorised sale is a criminal offence contrary to s.137 of the Licensing Act 2003. Keeping alcohol on a premises for unauthorised sale is a criminal offence contrary to s.138 of the Act. One might reasonably question why alcohol remains accessible to the public within the shop a week after its supply ceased to be authorised. If there is no intent to sell alcohol why does it remain in the shop?

The applicant for this licence, Cansu Eren, submitted this application on 28th July 2014. Cansu Eren is the intended premises licence holder and DPS. One must conclude, therefore, that the applicant for this licence is currently responsible for all matters in relation to the supply of alcohol at this premises and therefore responsible for any decision made to retain alcohol on a premises which is, at this stage, not licensed to sell alcohol.

Summary

There were no representations made against this application from interested persons.

There were four representations made 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

Responsible authorities' representations

Mr Keith Bush, Havering's Specialist Trading Standards Officer (Operations), submitted a representation against this application based upon Trading Standards' concerns in relation to the licensing objectives relating to preventing crime and disorder and protecting children from harm.

Ms Eileen Collier, Havering's Service Manager in the Safeguarding & Service Standards department, made representation against this application based upon concerns in relation to the protection of children from harm.

Mr Arthur Hunt, Havering's Licensing Officer for the area in which this premises lies, made representation against this application on behalf of the Licensing Authority. Mr Hunt's representation is based upon concerns in relation to the prevention of crime and disorder and the protection of children from harm.

PC Jason Rose, Havering's Police Licensing Officer, made representation against this application based upon concerns in relation to the prevention of crime and disorder and the protection of children from harm licensing objectives.

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PUBLIC NOTICE
Licensing Act 2003
 I, Casnu Eren, hereby give notice that I have applied to the Licensing Authority at Licensing Team, London Borough of Havering, Housing & Public Protection, c/o Town Hall, Main Road, RM13BD for the Grant of a Premises Licence at the premises of London Food Centre, 271 London Road, Romford, RM7 9NJ to: 1. Permit the licensable activities of Recorded Music and the sale of alcohol by retail at the premises on Monday to Saturday (inclusive) from 08:00hrs to 23:00hrs and on Sunday from 08:00hrs to 22:30hrs. Full details of the application can be inspected at the address noted below during normal business hours. Any representations by an interested party or responsible authority regarding this application can be made to: Licensing Team, Housing & Public Protection, London Borough of Havering, c/o Town Hall, Main Road, RM1 3BD. Website: www.havering.gov.uk. Such representation must be received in writing clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003 not later than the 22nd August 2014. Representations received after this date will not be considered.
 It is an offence knowingly or recklessly to make false statement in connection with this application, the maximum fine on summary conviction being £5,000.
 Dated 25th July 2014
 David Dadds, Applicant's Solicitor-Advocate (All Higher Courts) -
Dadds LLP office@dadds.co.uk 01277 631811

LAURENCE JOHN BAINES (Deceased)
 Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of Derham House Care Home Harwood Hall Lane Upminster Essex RM14 2YP and 32 Harwood Avenue Hornchurch Essex RM11 2NT, who died on 07/03/2014, are required to send particulars thereof in writing to the undersigned Solicitors on or before 10/10/2014, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.
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 54 Station Road Upminster Essex RM14 2TU
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PICTURE Lou Shabner Vintage 1950s/60s glass framed print glamour girl 'Sara' red hair chattrous, colour background good condition £95 Tel. 07044859470 (ROMFORD)

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HOHNER countryman 6 string acoustic guitar, good condition, £25. Tel. 07044803544 ()

HOT WIRES ELEC-TRONIC, plug and play 100 experiments make burglar alarm detector 8+ £20 Tel. 07044849999 (Dagenham)

JIG saw £8, 4 light spotlights, £12. Tel. 07044825186 (ESSEX)

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**Application for a premises licence to be granted
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 **CANSU EREN**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description LONDON FOOD CENTRE 271 LONDON ROAD			
Post town	ROMFORD	Postcode	RM7 9NJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£7,600

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname EREN			First names CANSU		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		166 EDGECOT ROAD TOTTENHAM			
Post town	LONDON			Postcode	N15 5HH
Daytime contact telephone number					
E-mail address (optional)	office@dadds.co.uk				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	3	0	8	2	0	1	4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
⊥	⊥	⊥	⊥	⊥	⊥	⊥	⊥

Please give a general description of the premises (please read guidance note 1)
 SMALL CONVENIENCE STORE / NEWSAGENTS OFFERING A RANGE OF GROCERIES IN
 ADDITION TO THE SALE OF ALCOHOL BY RETAIL.
 PLEASE REFER TO PREMISES PLAN FOR MORE DETAILS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The applicant wishes to have the facility for the provision of recorded music as the principle entertainment provided.		
Mon	08:00	23:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue	08:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	22:30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Anything of a similar description and not specified elsewhere in this application.		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to box J for non-standard timings.		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	22:30			
			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)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name CANSU EREN

K

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).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:00	<p><u>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</u> (please read guidance note 5)</p>
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	22:30	

M Describe the steps you intend to take to promote the four licensing objectives:

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

Please see attached continuation sheet

b) The prevention of crime and disorder

Please see attached continuation sheet

c) Public safety

Please see attached continuation sheet

d) The prevention of public nuisance

Please see attached continuation sheet

e) The protection of children from harm

Please see attached continuation sheet

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	24/7/2014
Capacity	Applicant’s Solicitor/Advocate

For joint applications, signature of 2nd applicant 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	

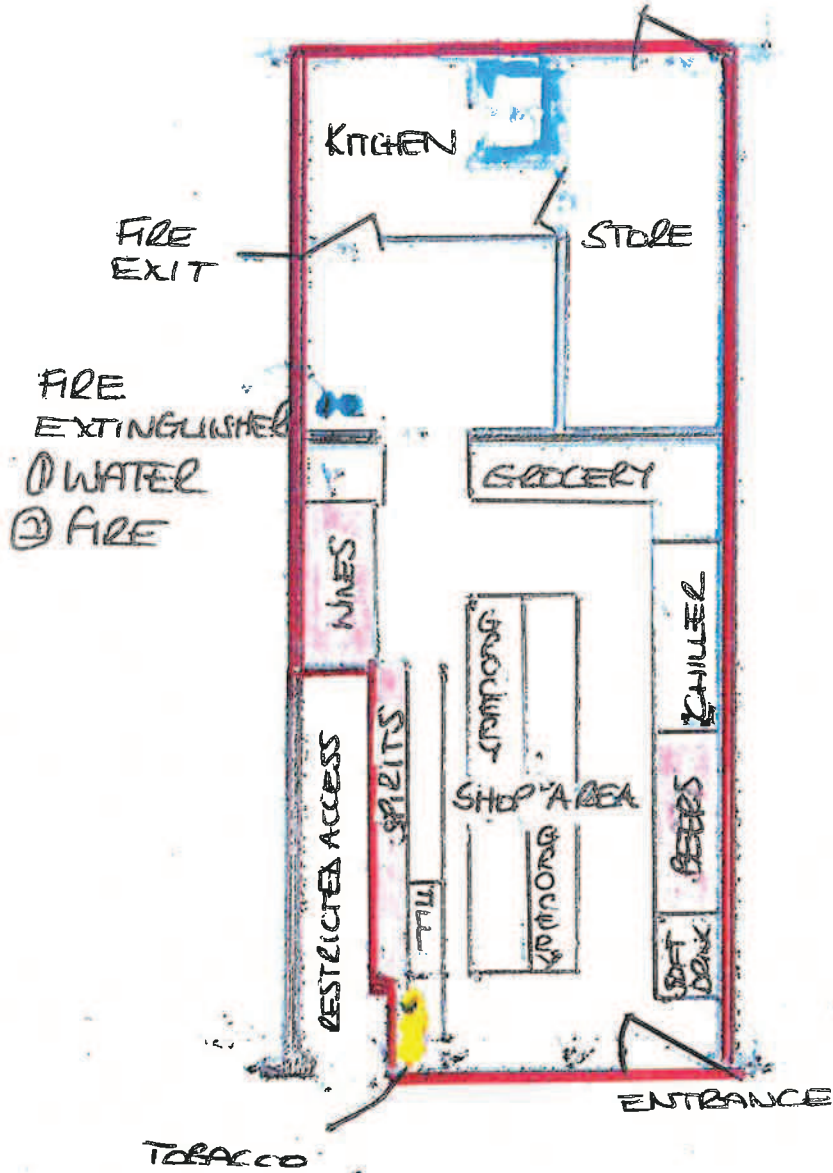
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Dadds LLP Licensing Solicitors
 Crescent House
 51 High Street

Post town	Billericay, Essex	Postcode	CM12 9AX
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Telephone number (if any)	01277 631 811
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
 office@dadds.co.uk



The red line delineates the ambit of licensable activities

Full Plans held by the London Borough of Havering Licensing Section

**Conditions consistent with the Operating Schedule for London Food Centre, 271
London Road, Romford, RM7 9NJ**

1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that staff shall be vigilant in relation to litter issues, routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
4. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
5. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
6. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
7. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
8. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and signage to this effect is to be displayed.
9. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 31 day period.
10. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
11. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.

12. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
13. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
14. No alcoholic goods, cigarettes or tobacco products will ever be purchased or taken from persons calling to the shop.
15. No spirits shall be purchased in resealed boxes.
16. The licensee will immediately report to Havering Trading Standards and the Police any instance of a caller to the shop attempting to sell alcohol, cigarettes and/or tobacco products.
17. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
18. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
19. An ultra-violet light will be available at the premises for the purpose of checking UK duty stamps on spirits as soon as practical after they have been purchased.
20. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra violet light, or are otherwise suspicious, the licensee shall identify the supplier to Havering Trading Standards and HMRC as soon as possible.
21. Staff shall not tolerate anti-social or aggressive behaviour, customers behaving in such a manner shall be barred from the premises.
22. The premises licence holder shall ensure that all alcoholic drinks shall be clearly labelled or marked so as to identify the product with the premises.



London Food Centre



Scale: 1:2500
 Date: 20 August 2014
 Size: A4



Havering
 LONDON BOROUGH

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

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 Ordnance Survey 100024327



Public Protection

London Borough of Havering
5th Floor, Mercury House
Mercury Gardens
Romford RM1 3SL

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

Telephone: 01708 433425
Fax: 01708 432554
email: keith.bush@havering.gov.uk
Textphone: 01708 433175
Date: 18th August 2014

Your Ref: 15823

Dear Sir/Madam,

Licensing Act 2003 London Food Centre, 271 London Road, Romford

In relation to the application for the above mentioned premises licence the trading standards service would make the following representations:

This service has concerns in relation to the licensing objectives of protection of children from harm and the prevention of crime and disorder and are unable to support this application.

Protection of Children from Harm

Poor management at the venue has resulted in two underage sales of alcohol within a three month period. The sales occurred on 30th August 2013 and 31st October 2013. The final sale occurred a week after a meeting with the responsible authorities and the management of the venue to prevent further underage sales. One of the persons present at the meeting went on to make the second sale while only a minor themselves, something they had specifically been warned about during the meeting.

As a result of this, a review was brought and the decision of the licensing committee was to revoke the previous licence at a hearing on 25th February 2014.

The trading standards service is concerned that the premises is a small family run business and that a change of Licensee alone will not result in any significant changes at the venue.

In particular we would have concerns if the following individuals were to continue working at the premises:

Bayhen Eren, who personally made the first underage sale of alcohol and left an unsupervised minor in charge of the shop which resulted in the second sale of alcohol.

Serhat Eren, who made the second sale of alcohol. Serhat had been at the responsible authorities meeting the week before when it was made clear he was too young to make

unsupervised sales of age restricted products and heard first hand all the steps to take to prevent making further underage sales.

Nazim Eren, the previous designated premises supervisor and premises licence holder who failed to prevent the above mentioned sales.

If the committee consider that the above named individuals should continue to work at the venue then we would suggest that a condition would be appropriate requiring them to complete and pass a personal licence course or the Fair Trading Award (FTA), Do You PASS? underage sales training. We believe the latter should be a condition for all employees at the venue, even if they have not been named above.

The FTA course is developed by the Trading Standards Institute specifically for the business and commercial sector to ensure that staff have the knowledge and competence required in relation to underage sales. There is an exam at the end of the course with independent marking by the Trading Standards Institute.

Prevention of Crime and Disorder

In addition to the underage sales concerns the trading standards service received another complaint against the trader in January 2014 that they were selling illicit tobacco.

The trader was visited on 23rd May 2014 by officers from this service together with officers from HM Revenue and Customs. During the inspection approximately 1600 illicit cigarettes were found together with rolling tobacco and 18 bottles of counterfeit alcohol. At the time of this visit the licence was already revoked, subject to appeal, when you would expect the trader to be operating with extreme diligence.

The sale of illicit cigarettes is not only harmful to the economy but many of these products do not carry the necessary health warnings in English and safety filters to prevent fires. Counterfeit alcohol is not manufactured under the controls and procedures of genuine alcohol. As a result both matters put the health and wellbeing of residents in the borough at risk. We believe these facts give cause for concern in relation to crime and disorder and is further evidence that the premises have been poorly managed.

If the committee are minded to grant the licence the following conditions may assist in preventing further sales of counterfeit alcohol and cigarettes:

1. The Premises Licence Holder and/or Designated Premises Supervisor shall not purchase any alcohol goods from door to door sellers.
2. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
3. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
4. Prominent signs shall be displayed at all entrances to the premises stating the premises will not buy goods from any caller to the premises. The signs shall be displayed regardless of whether public access is permitted at that entrance.

5. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

6. Legible copies of the documents referred to in Condition 5 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.

7. Copies of the documents referred to in Condition 5 above shall be retained on the premises for period of not less than twelve months.

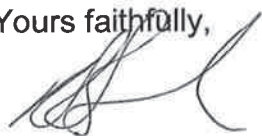
8. An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a customs stamp.

9. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

As mentioned there have been significant failures in the past at this premise. Before granting this licence the committee needs to be sure that the new operators are willing and able to make the necessary changes to prevent any reoccurrence.

I trust this representation is self explanatory. If however there are further queries regarding this matter please telephone on 01708 433425.

Yours faithfully,



Mr K Bush
Specialist Trading Standards Officer (Operations)

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The Licensing Authority
London Borough of Havering
Mercury House, Mercury Gardens,
Romford, Essex
RM1 3SL

Telephone: 01708 434315
Fax: 01708 433068
email: eileen.collier@havering.gov.uk

Date: 1st August 2014 2014

Dear Sir

Re- Application for a premises licence to be granted under the Licensing Act 2003
London Food Centre, 271 London Road

Havering children social care has a number of concerns regarding this licence application due to the history of concerns relating to the premises and the familial link between this applicant and the current licence holder.

The licence application does not set out how the premise will be run and whether the current licence holder will be involved within the business should the new application be granted.

Although the applicant sets out a number of actions that address historic concerns raised, there is nothing held within the application to evidence how these will be implemented and embedded within usual business.

Children Social Care would like the applicant to provide more details regarding how the business will be run and whether the current licence holder will have any involvement within the business.

Children Social Care would like to receive an action plan setting out exactly how each of the twenty-two separate conditions will be implemented and embedded matched to a timeline for completion. In cases where the condition identifies that staff will be trained, Children Social Care will require the applicant to set out the nature of training, whether it will be delivered by an accredited trainer and the expected improved outcomes of the training. This must include how the licence applicant will interpret 'reasonable and adequate' training when implementing condition four.

Children Social Care cannot support this application until further supporting information as set out above is submitted for scrutiny.

Yours sincerely

Eileen Collier
Service Manager
Safeguarding and Service Standards

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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: 20 August 2014

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

My Reference: AGH 15823

Dear Sir

Licensing Act 2003
London Food Centre, 271 London Road, RM7 9NJ
Application for a new premises licence.

With regards to the above I can confirm that this Licensing Authority wishes to make representation *against* this application based upon our concerns in relation to the Protection of Children From Harm and the Prevention of Crime and Disorder licensing objectives.

The premises have previously been the subject of two underage sales. This led to an application to review the premises licence at hearing by the Licensing Sub Committee, at which it was decided to revoke the licence. This was subject to appeal and was due to be heard at Havering Magistrates' Court on the 18th August 2014. However, the appeal was withdrawn in the days before the hearing by the solicitor for Mr Eren.

Following the appeal being lodged by Mr Eren the premises was able to operate under the previous premises licence. On the 23rd May 2014 Trading Standards together with officers from HM Revenue and Customs visited the premises and found counterfeit alcohol and tobacco for sale.

History of the premises.

On 30th August 2013 Trading Standards conducted a test purchase at the premises. The volunteers were sold one bottle of Rose Echo Falls Wine (12%vol). The sale was made by a Beyhan EREN (who claimed to be the nephew of the DPS). He did not challenge the volunteers as to their age or request any identification. He was issued with a fixed penalty notice for the offence.

Following the test purchase failure a meeting was held with the DPS, Nazim Eren and his 17 year old son Serhat Eren, at the Town Hall on 24th October 2013 with Licensing, Metropolitan Police Service, Children's Services and Trading Standards service; all Responsible Authorities under the Licensing Act 2003. A Turkish interpreter was also provided to assist Mr Eren as English is his second language.

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It was explained at the meeting that underage sales of alcohol were taken very seriously by the authority and the DPS was questioned on what systems were in place to prevent underage sales. A refusals log was produced and it was noted that Serhat Eren, the DPS's 17 year old son, had made entries in the refusal log.

Serhat Eren claimed to only stock shelves and that sometimes he would fill out the refusal log on behalf of his colleagues. This position was challenged but both men were confident that Serhat did not work behind the counter and serve alcohol.

On 31st October 2013 the premises was revisited. 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, 17 years old. He 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.

Following the second underage sale a review of the previous premises licence was sought by Havering Trading Standards, in their role as a 'responsible authority' under the Licensing Act 2003. Their application was supported by the Licensing Authority and Police.

At a hearing on the 25 February 2014, the Licensing Sub-Committee having heard from the Responsible Authorities and Mr Eren decided to revoke the licence.

Mr Eren chose to appeal that decision to the Magistrates' Court and was therefore able to operate under his licence until such time as the appeal was heard. The matter was to be heard at Havering Magistrates' Court on the 18 August 2014.

On the 23rd May 2014 Trading Standards together with officers from HM Revenue and Customs visited the premises. During the inspection approximately 1600 illicit cigarettes were found together with rolling tobacco and 18 bottles of counterfeit alcohol. HMRC confiscated the counterfeit items and issued the licence holder with a warning.

The application

Cansu Eren is the daughter of the previous Licence Holder and DPS, Mr Nazim Eren. It is understood that she has worked at the venue when he had control of the premises, thus was part of that failed regime.

It is clear that this premises is a family run business. Different members of the family have been found at the premises when visited by the Responsible Authorities.

There is nothing in the application to indicate what role Mr Nazim Eren will undertake should the licence be granted. Similarly, the application does not inform us of what role Serhat, the applicant's brother, will play, as he made the second underage sale at the premises on the 31 October 2013.

Many of the conditions proffered in the operating schedule as part of the application were openly discussed at the meeting attended by Mr Nazim Eren on the 24 October 2013. It was expected by those present at the meeting that Mr Nazim Eren would submit an application for a minor variation to the premises licence based on the discussed additional conditions. However, no such application ever materialised and also this did not prevent the underage sale a week later.

In fact, many of the submitted conditions were those actually requested at the Review hearing on the 25th February by the Responsible Authorities, should the Licensing Sub-Committee have found it appropriate not to revoke the licence. Therefore it would appear

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that the committee did not feel that even by imposition of these additional conditions that they could allow the licence to continue.

I paid a visit to the premises on the 19 August 2014. On arrival at the premises I saw Nazim Eren at the rear of the shop and Serhat Eren (his son and brother of the applicant) was behind the counter. Nazim Eren left the shop floor and declined to speak with me. Serhat Eren informed me that "Sue runs the shop now", I assumed that he meant the applicant Cansu Eren. Serhat Eren made a telephone call and then informed me that she was "1 to 2 hours away."

Whilst at the premises I could see that blankets had been put in place to cover up the alcohol. However, one of the blankets was very badly placed and did not cover the alcohol entirely. It also displayed that my comments to the previous licence holder about segregating the soft drinks and alcohol had never been actioned. I pointed out to Serhat Eren that the alcohol should be removed from display.

I also noticed that the Part B of the previously revoked licence was still on display. I took possession of the licence. Photographs were taken (attached below).

I was subsequently contacted on the afternoon of the 19 August by Dadds Solicitors, the agent of the applicant, following the visit. I informed them of what I had witnessed at the premises, to which the reply was "we told them to remove the alcohol."

It would therefore appear that the premises are contravening the following sections of the Licensing Act 2003:-

Section 137 - Exposing alcohol for unauthorised sale

A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

Section 138 - Keeping alcohol on premises for unauthorised sale etc.

A person commits an offence if he has in his possession or under his control alcohol which he intends to sell by retail or supply in circumstances where that activity would be an unauthorised licensable activity.

Lastly, the application seeks to authorise "Recorded Music" as a licensable activity. There is nothing in the application to explain this request. If the music is to be in the background, it is ancillary to the business and therefore not licensable.

Conclusion

The Licensing Authority does not have any confidence that this applicant will introduce a robust regime to counteract the failings of the previous licence holder, thus allaying the fears of the Responsible Authorities. The major concern is the premises' close proximity to St Edwards' secondary school and the obvious attendant risk.

The Licensing Authority's view appears to be supported by the visit conducted on the 19th August 2014. Although I was informed that the applicant was now in "charge", it was apparent that the family still run the business as a whole. If, as indicated, the applicant is now in charge, then the displaying of the alcohol appears to evidence a continued disregard of the Licensing Act's provisions under a supposed "new" regime. In addition they seem incapable of acting on advice given by their legal advisor, who had told them to remove the alcohol, not just cover it up.

The fact that Serhat Eren was also serving appears to fly in the face of the assertion at the meeting with the Responsible Authorities on the 24 October 2013 that he just “stacks shelves.”

At the Licensing Sub Committee hearing on the 25 February there was an offer from Mr Nazim Eren to allow his daughter to become the DPS at the premises. The Licensing Sub Committee considered this in their deliberations and decided against stating:-

They considered that the cause of the problems was Mr Nazim Eren's incompetence and wilful failure to comply with guidance. They considered his offer to withdraw as Designated Premises Supervisor and allow his daughter to assume this role. However, they believed this was a family run business owned by Mr Nazim Eren. Other family members have been involved in the mismanagement of the premises and if Mr Eren's daughter were to take over it would only continue the ownership by Mr Nazim Eren and there would be no fundamental change in the management of the premises.

With the premises in the past having made sales to underage volunteers on two occasions there has obviously been a disregard of the importance of protecting children from harm, which is recognised by many sources including:-

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.

Section 147A of the Licensing Act 2003 states that it is an offence to persistently sell alcohol to any individual under 18 years old (*persistently - within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18*).

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.”

It is clear that there was little or no management in place at this premises to promote the licensing objectives and the application does not inspire that this will change. This is evidenced by the fact that the premises made a further underage sale after meeting with the Responsible Authorities and also chose to sell/stock counterfeit goods whilst in the appeal stage of the revocation.

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

“The Government believes that it is completely unacceptable to sell alcohol to children.”

We would ask that the committee **reject** this application.

If, after deliberation, the committee consider it appropriate to grant the licence I would request that they at least consider the imposition of amended and additional conditions to those submitted by the applicant.

The applicant has tendered the 2 following conditions:-

- *“The premises licence holder shall ensure that any refusals of age-related products are recorded in a refusals log as soon as practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer.*

Public Protection Bringing together Environmental Health & Trading Standards

The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.”

We would request that this condition be amended to the DPS signing the refusal log weekly and that the log be retained for 12 months.

- *“Invoice (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.*

We would ask that these records are retained for 2 years.

We would also request that the following additional conditions are considered:-

- Alcohol and soft drinks are to be stored in separate and clearly segregated areas.
- The shop window must be kept clear in order to monitor and eliminate the risk of children, asking adults to buy age restricted products for them. A prominent, clear notice shall be displayed at the premises about the sale of alcohol to minors and the relevant offences involved in proxy sales.
- A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises.
- No persons under the age of 18 to be authorised (or supervised) to sell age related products.
- Nazim Eren to have no participation in the business at the premises.

Yours faithfully



Arthur Hunt
Licensing Officer

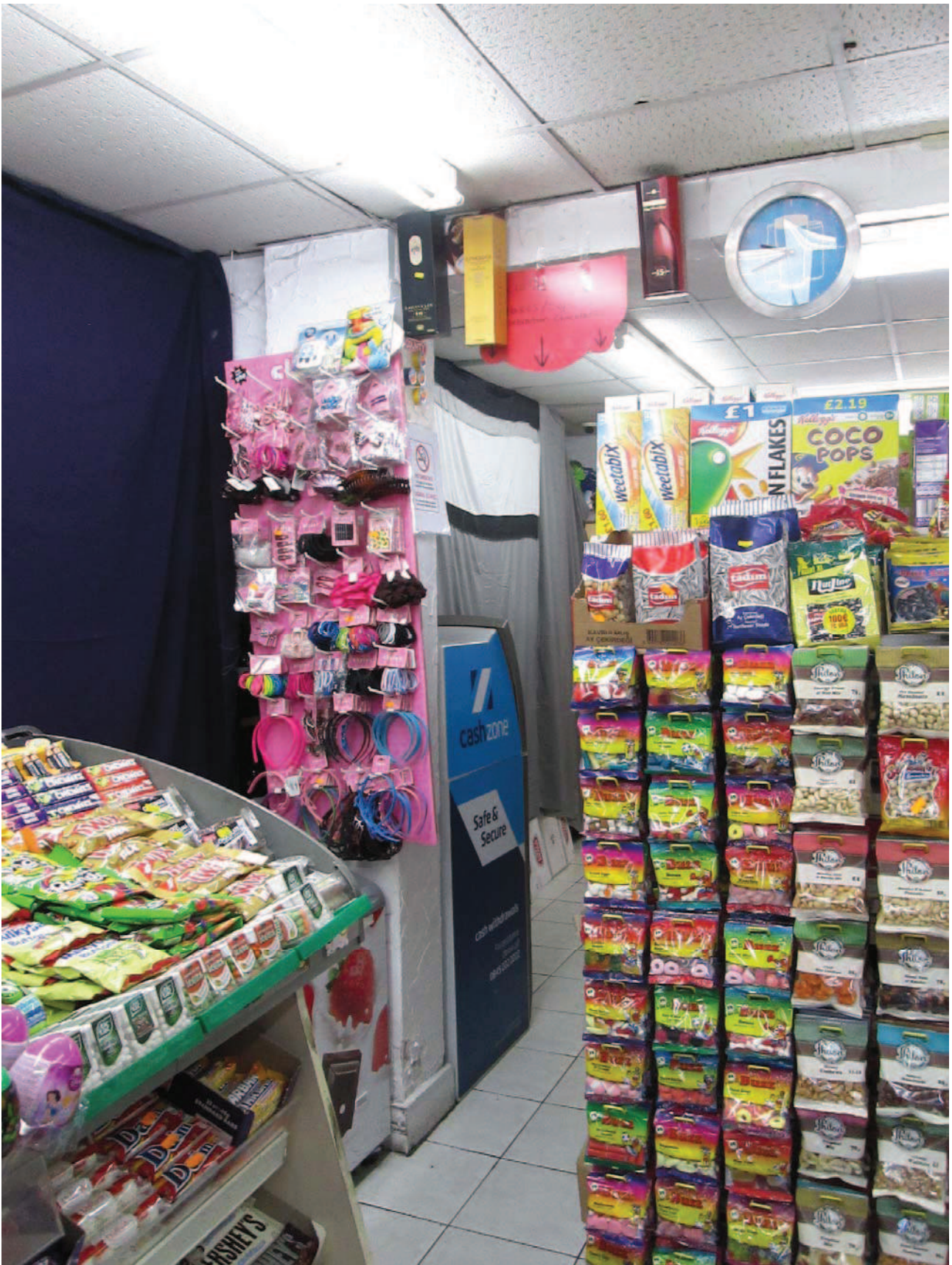
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Public Protection Bringing together Environmental Health & Trading Standards

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

Licensing Office
London Borough Of Havering
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Romford Police Station
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Romford
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Telephone: 01708 432781

Facsimile:
Email: jason.rose@met.pnn.police.uk
www.met.police.uk

Your ref:
Our ref: London Road Food Centre,
Application for new premises licence
Date : **16/08/2014**

Police have been served a new premises licence application relating to **London Road Food Store, 271 London Road, Romford, Essex, RM7 9NJ**. This application has been served by Dadds Solicitors on behalf of the applicant Ms Cansu **EREN**. Police wish to make representations against this application as confidence with the premise trading history is extremely low due to a clear inability to uphold two of the four Licensing objectives, namely

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

The business has openly been described by several workers as a "Family run Business". This has been verified by Police, Trading Standards and Local authority during numerous visits, encounters, consultations and interactions, confirming a number of EREN family members participate in the operation of the business.

The premises came to sub committee attention on 25th February 2014 where a hearing took place with regard to a full review of their premise licence. The review was brought in the first instance by Trading Standards and was fully supported by Havering Police. The hearing concerned failings at the premises including two underage sales at the premises on separate occasions, one on 30 August 2013 and a second on 31st October 2013. Interestingly enough, several interactions had occurred between responsible authority members and the venue representatives after the initial underage sale; even this however did not prevent a second sale to underage volunteer's occurring. This lack of due diligence, awareness and inability to instigate robust measures simply re enforces the venues poor commitment to uphold the licensing objectives, something we all strive to achieve. (I enclose Pc DAVIES review report dated 28th January 2014 which evidences a full summary, detailing the history, failings and interaction with the premises. This report is attached for your attention)

The decision taken on 25th February 2014 by the sub committee was to **REVOKE** the premises licence immediately; I refer to the decision notice, highlighting the following, a direct lift from the Decision: section of the document -

"The Sub Committee considered that continuation of the licence would seriously prejudice the licensing objectives of the protection of children from harm and prevention of crime and disorder. There have been two under age sales which under section 147A of the Licensing Act 2003 are classed as persistently selling alcohol to children. The premises are close to a secondary school and sixth formers do not have to wear uniforms.

They considered that the cause of the problems was Mr Nazim Eren's incompetence and wilful failure to comply with guidance. **They considered his offer to withdraw as Designated Premises Supervisor and allow his daughter to assume this role. However, they believed this was a family run business owned by Mr Nazim Eren. Other family members have been involved in the mismanagement of the premises and if Mr Eren's daughter were to take over it would only continue the ownership by Mr Nazim Eren and there would be no fundamental change in the management of the premises.**

In the light of this they decided to revoke the licence with immediate effect.

It was acknowledged that the business would only continue in the same vein even with a DPS change, especially if the DPS change had links to the family. This was only compounded by the fact the nominated replacement was Mr ERENS daughter, a daughter who has clearly had "hands on" involvement at the premises during the time the premises failed to uphold the licensing objectives. Mr Nazim EREN openly admitted himself at the meeting dated 24th October 2014 between venue and responsible authorities that his daughter has involvement with the business including serving.

The venue then registered an appeal to the above decision challenging the outcome, this was logged by Mr DADDS solicitors and the venue remained operating on its original premises licence till such an appeal was heard. The appeal; was due to be heard in Monday 18th AUGUST 2014 however days before this proposed hearing the case was officially withdrawn by Mr ERENS elected representatives.

Police have now assessed the new application on its own merits. Firstly I would like address the application form itself. Police feel that the applicant does not show exceptional reasons why the venue should now be considered for a new premises licence bearing in mind the previous failings. The application is submitted only 6 months after the original licence was revoked. This is compounded by the fact the premises have continued (legally) to trade on its original licence due to the appeal process, but during such time continued to commit licensing related offences, clearly not displaying due diligence. Police have been made aware by Trading Standards and HMRC officers on 23rd May 2014 eighteen bottles of counterfeit alcohol and approximately 1600 illicit cigarettes were found during an inspection at the premises.

Police would have expected greater detail in the application itself; addressing and evidencing what measures the venue are putting in place to correct previous failings. The four boxes titled **M** "Describe the steps you intend to take to promote the four licensing objectives:" are simply filled with "See attached sheet". Upon inspection of said attached sheet, 22 conditions are offered, a number relating to the purchase of counterfeit products. Police have cross referenced the remaining proposed conditions against the suggestions and recommendations made by Police, Trading Standards, Child services and local authority during originally at the meeting of 24th October 2013. Even though the same suggestions and recommendations were put forward for the premises to adopt, they did not prevent the second underage sale taking place. They were also referred to in Pc DAVIES report at review hearing, still not preventing further offences namely the counterfeit goods taking place. For these reasons, Police have no confidence that the proposed conditions will actually be enforced by the venue; the family have shown a clear disregard for such recommendations and appear to run their business how they see fit, not in line with the licensing objectives.

Police would also like clarity on two further aspects of the application? Firstly, the submitted plans show the whole venue as an area to be licensed for supply of alcohol. This includes the rear areas and stock room. Is this an error as these areas do not normally form part of the licensed areas? If its not a error why does such a area of the premises need to be licensed?

Secondly, concerns are raised for the long term plans of the venue? The facility of recorded music has been requested for a licensable activity. In my experience, background music would suffice in a convenience store venue and the request for licensed recorded music does raise questions. Does this request of recorded music between the hours of 08:00-23:00 imply the venue may change the way it supplies alcohol in the future with a view of ON sales and socialising at the premises?

In summary, this is **NOT** a brand new application by an applicant being able to demonstrate unrelated connections to the previous licence holder. The applicant is the previous licence holder's daughter, a daughter that's been confirmed by Mr EREN's as working at the premises on number of occasions. If indeed Mrs EREN can change the tide, which is debatable, we must accept that one person can not be expected to staff the premises all hours of the day, 7 days a week, 365 days a year. Therefore it clear there will be times when other members of the EREN family will have involvement in the day to day operations at the venue, not just Cansu. Once again, this is something that has not been addressed on the application form. Clarity must be sought on this aspect? How does the venue plan to put the issues behind them?. Two independent members of the EREN family have been found guilty of supplying alcohol to underage persons; no documentation that has been supplied thus far would suggest this habit will not continue.

Mrs Cansu EREN has to account for being part of a family business group that have, on several occasions failed to uphold the licensing objectives. Mrs EREN must show how she will address the highlighted issues; something that police feel has not been achieved on the application form.

We must also not forget that the initial visit by trading standards was intelligence lead which suggests underage sales is a common problem at the venue. This initial allegation has now been evidenced and substantiated on two separate occasions by Trading Standards deployments.

For the reasons detailed above, Police could not support a premises licence being issued to the applicant on this occasion.

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

Yours sincerely,

Pc Jason ROSE 282KD
Havering Licensing Officer
Licensing Department
Havering Borough

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

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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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