



LICENSING SUB-COMMITTEE BORAT EXPRESS

AGENDA

10.30 am	Monday 29 September 2014	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Viddy Persaud
Reg Whitney

**For information about the meeting please contact:
Richard Cursons - 01708 432430
richard.cursons@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 - 36)

Application for a premises licence for Borat Express 182 Hilldene Avenue, Harold Hill, Romford Essex RM3 8DB.

Andrew Beesley
Committee Administration Manager

LICENSING SUB-COMMITTEE

REPORT

29 September 2014

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

Richard Cursons (01708 432430)
e-mail: richard.cursons@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

29 September 2014

Subject heading:

**Borat Express
182 Hilldene Avenue Romford
RM3 8DB
Paul Jones, Licensing Officer
Mercury House
x 2692**

Report author and contact details:

This application for a premises licence is made by Mr Piotr Wiczerzynski under section 17 of the Licensing Act 2003. The application was received by Haverling's Licensing Authority on 7th August 2014.

Geographical description of the area and description of the building

Borat Express is located in the Hilldene shopping centre. It is a single storey convenience store with residential flats above it. The immediate area is therefore one of mixed use.

Details of the application

The applicant seeks to supply alcohol for consumption off the premises between the following hours:

Supply of alcohol, hours open to the public		
Day	Start	Finish
Monday to Saturday	09:00	19:00
Saturday	11:00	16:00

There is no application for any 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 15th August 2014 edition of the Yellow Advertiser.

The blue notice was found to have been installed on a sheet of blue paper slightly smaller than A4 size but it was not considered that this caused any prejudice to interested persons or responsible authorities.

Havering's licensing policy 012 indicates that the provision of licensable activity would normally be permitted until 00:30 in mixed use areas. The premises plans indicate that the display of alcohol within the premises will be restricted to a single unit located behind the counter.

Summary

There was one representation against this application from an interested person.

There was one representation against this application from a responsible 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

Interested persons' representations

One interested person made representation against this application. The representation highlights a number of issues; however, it is item 4 of the representation which might appear to suggest that the applicant's failure to include staff training on the operating schedule will lead to a failure on the part of the applicant to promote three of the licensing objectives.

Responsible authorities' representations

PC Rose makes representation against this application on behalf of the Metropolitan Police. PC Rose's concerns are based upon the licensing objectives in relation to the prevention of crime and disorder, the prevention of public nuisance and public safety.

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Alcohol will be kept behind the till. About 4 meter form the main entrance on the left. Alcohol will be sold to customer by trained stuff only. Consumption of alcohol off premises.

Continued from previous page...

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

20

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes

No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes

No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes

No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes

No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes

No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes

No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

alcohol will sell when shop open 9:00 till 19:00 except sundays 11:00 - 16:00 and bank holidays

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

no

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Our premises is a grocery shop so children have access but an alcohol will locate behind a till so no one except our staff have access to.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

we will sell alcohol in our opening times.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

no

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Strong management control:

no selling alcohol to underage people

no drunk and disorderly behavior on the retail area

no violent and anti-social behavior / vigilance in preventing the use and sale of illegal drugs at the retail area

b) The prevention of crime and disorder

CCTV Systems installed to monitor entrances, exits and other parts . A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity, such as theft. Not selling of alcohol to drunk or intoxicated customers. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

c) Public safety

Internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. Training and implementation of underage ID checks. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition will be maintained at all times in

Continued from previous page...

good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. Customers will not be admitted to premises above opening hours. Adequate waste receptacles for use by customers will be provided in the local vicinity. Customers will be asked not to stand around loudly talking in the street outside the premises.

e) The protection of children from harm

'challenge 25' sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport if they wish to buy alcohol. Nothing beyond existing Health & Safety requirements.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 - £100

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee.

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls, or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature.

The costs associated with these licences will be met by Central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number of attendance at any one time.

Capacity 5000 to 9999 - £1,000.00

Capacity 10000 to 14999 - £2,000.00

Capacity 15000 to 19999 - £4,000.00

Capacity 20000 to 29999 - £8,000.00

Capacity 30000 to 39999 - £16,000.00

Capacity 40000 to 49999 - £24,000.00

Capacity 50000 to 59999 - £32,000.00

Capacity 60000 to 69999 - £40,000.00

Capacity 70000 to 79999 - £48,000.00

Capacity 80000 to 89999 - £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

1

Continued from previous page...

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) Next >

Articles For Sale 0905 624 0595

Calls cost £1.02 per minute from a BT Landline. Other networks may vary, calls from a mobile could be considerably higher. Text YABARGAIN (space) Advert up to a maximum of 150 characters and send to 83149 Texts cost £1.02 plus standard network rates. If you do not want to receive details on any other product or service, please text the word EXIT at the end of your message. (your advertisement will appear in the next available edition). We do not accept bargain ads under £100 by fax post or person.

Classifieds

Business advertising by phone: 01268 503411 • e-mail: sales@yellowad.co.uk
By post: Yellow Advertiser, Acorn House, Great Oaks, Basildon, SS14 1AH

Public Notices

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

APPLICANT: Piotr Wiczerzynski
PREMISES: Borat Express, 182 Hilldene Avenue, Romford, RM3 8DB
The proposed licensable activity is: To sell alcohol Monday to Sunday 9:00am till 19:00pm
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, London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BD
Website: www.havering.gov.uk

Such representation must be received in writing by: 4th of September 2014, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.00.

CONDITIONS OF ACCEPTANCE FOR ALL ADVERTISEMENTS

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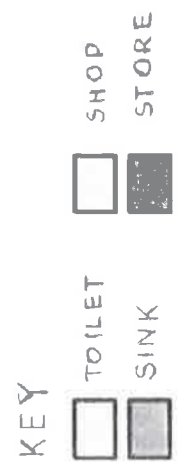
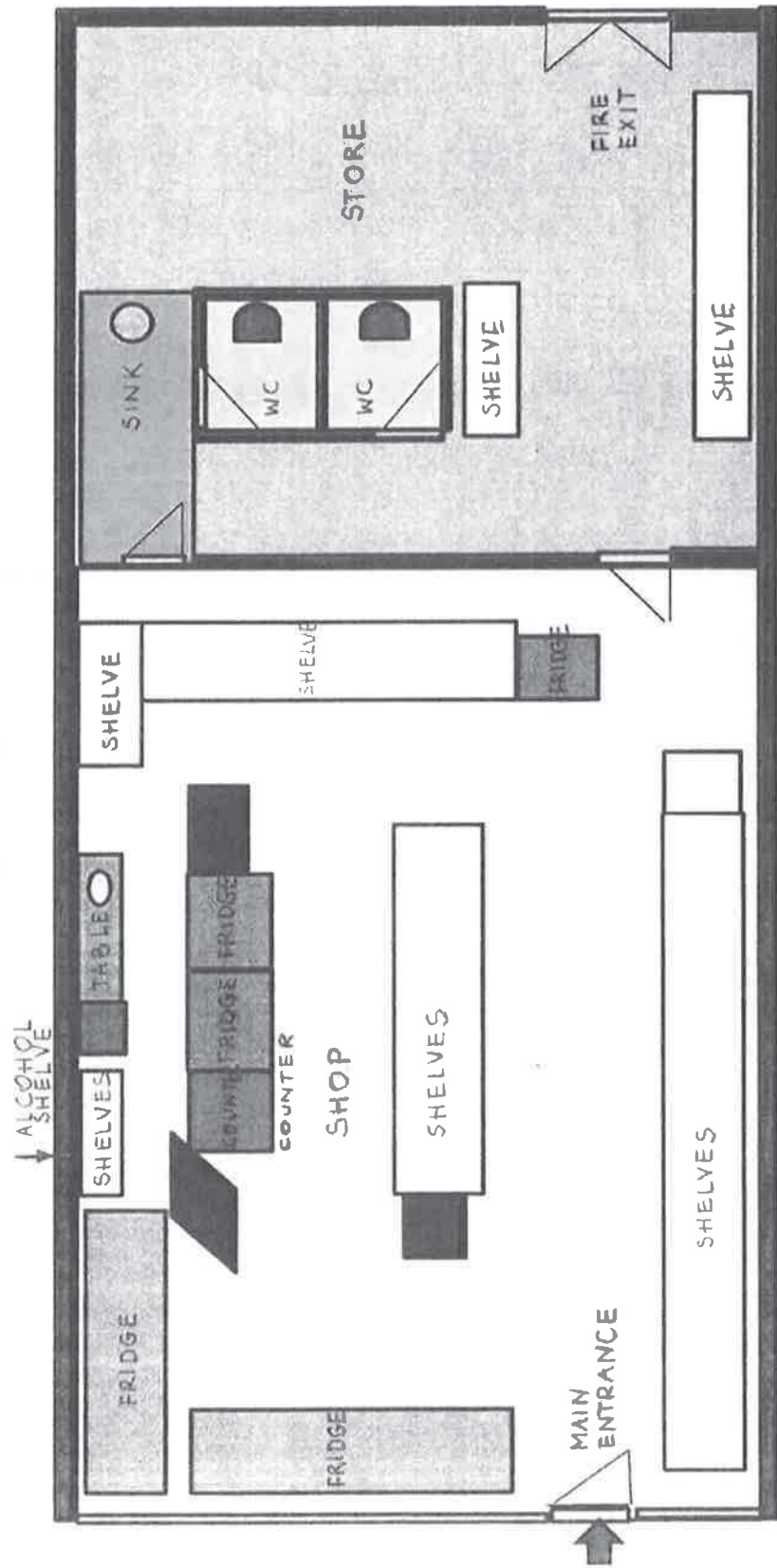



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Date: 07 August 2014


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PLAN
 BORAT SHOP
 182 HILLDENE AVENUE
 RM3 8DB LONDON



From: Ronak Patel [mailto:roney_18us@hotmail.com]

Sent: 04 September 2014 13:40

To: Paul Jones

Subject: Premises license application -borat express,182 hilldene avenue, romford,essex,rm3 8db

To the Licensing Officer
London Borough Of Havering
Mercury House
Mercury Gardens
Romford
RM1 3SL

Thursday 4st September 2014

Re: PJJ/015841

Dear MR.JONES

Thank you for your email

I make representation opposing the above premises licnese application on the following grounds

1. Application is not valid because site notice is smaller then A4 size
2. Site notice is not been displayed 24/7. isn`t been displayed over night , it`s covered by shutters through the night until they open shop in the morning
3. I make representation on the ground of crime and disorder , public nusense and protection to children of harm
4. Applicant has not addressed staff training or any type of traning provided to staff to stay within the alcohol licneseing act2003
5. As the application stand it can be whole premises that can be diplay alcohol

If the applicant cannot comply with rules of the licenseing application process then how can they demonstrate to comply with the license act 2003 to meet the licenseing objectives.

Yours faithfully
MR Ronak patel

From: Ronak Patel [mailto:roney_18us@hotmail.com]

Sent: 04 September 2014 14:03

To: Paul Jones

Subject: Re: Premises license application -borat express,182 hilldene avenue, romford,essex,rm3 8db

Dear Mr Jones

Thank You for your email Our address is as follow

Ronak Patel
184 Hilldene Avenue
Harold Hill
Romford
Essex
RM38DB

Regards
Ronak Patel



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

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

Romford Police Station
19 Main Road
Romford
RM1 3BJ

Telephone: 01708 432781

Facsimile:

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

Your ref:

Our ref: **Borat Express, Application
for new premises licence**

Date : **03/09/2014**

Police have been served a new premises licence application relating to **Borat Express, 182 HILLDENE AVENUE, HAROLD HILL, HAVERING, RM3 8DB**. Police wish to make representations against this application under three of the four Licensing objectives, namely

- 1, Prevention of Crime and Disorder.
- 2, Public safety.
- 3, Prevention of public nuisance

Police have assessed this new application on its own merits. Firstly I would like address the application form itself. Police feel the application is sparse to say the least; it does not give enough detail on how they will uphold and promote the licensing objectives. One example of this is the explanation given under **"List here the steps you will take to promote the four licensing objectives together"**.

The applicant simply states,

* **No selling to underage people** - This act is a criminal offence and is covered by government legislation; the applicant does not detail or explain what steps the venue will put in place to prevent such sales, merely making reference to a challenge 25 condition further in the document. The application shows no consideration relating to proxy sales or how to protect their premises from such activity. Staff training is referred to under the "Public Safety" box but does not explain what training, how regularly employees will be trained or refreshed on such an important objective.

* **No drunk and disorderly behaviour on the retail area** - What does this mean? How will they achieve this bold statement? What measures are they putting in place? Are we to believe they have no concern for what happens outside the premises when stating "On the retail area"?

* **No violent and anti social behaviour / vigilance in preventing the use and sale of illegal drugs at the retail area** - Again, how does the venue plan to achieve such a bold statement? No explanation on how the premises will address such behaviour is shown.

Many of questions have been raised by the way the application has been worded and put together. This displays a very low level of awareness around the supply of alcohol, the effect on the community and the responsibilities that comes with such sales. Police would have expected greater detail in the application itself; addressing and evidencing what measures the venue are putting in place promote the licensing objectives.

With this in mind I e mailed the applicant a number of suggestions that Police would like to see on their application to relieve certain concerns, none more so than the concern over proxy sales (e mail attached). This document was sent to the e mail address given on the application form and was dispatched on 19th AUGUST 2014. I requested a reply at the applicant earliest convenience. I am still awaiting said reply as I write this report on 3rd SEPTEMBER 2014.

Secondary to the issues I have identified on the application form, Police have grave concerns for the area in which this premises wishes to supply alcohol. Pc ROSE has liaised at length with the local neighbourhood policing team, in particular Pc Robert NEWTON 270KD (statement prepared by Pc NEWTON attached) who highlights his concerns relating to the community impact of this new licence, if successful. The local area is facing a challenging time with street drinking at an all time high; this in itself brings issues concerning crime and disorder, public safety and indeed public nuisance. Offences such as theft, violence and intimidation have all been recorded in the area; the suspects to such reported crime are the street drinking fraternity. Pc NEWTON refers in his statement to previous issues faced at the location. The local police team are working hard at this present time to make the area a "No drinking zone", Police fear another outlet selling alcohol will only make this already difficult task a lot harder. I have requested Pc NEWTON to be present at any subsequent hearing to explain in person the issues facing the local community.

Street drinkers already hang around Borat Express, making it difficult for members of the public to feel unthreatened or indeed comfortable when visiting the local shopping parade. This anxiety and fear will only be made worse with the availability of alcohol at one more location in such a small geographical area. Residents and shop keepers alike have all had input into a safer neighbourhood survey displaying their concerns on how the local shopping parade is deteriorating due to the supply of alcohol and street drinkers. Many complaints are regularly received by the local police team from shoppers and shop keepers relating to this matter.

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

From: Rose Jason J - KD
Sent: 19 August 2014 16:47
To: 'boratshop@hotmail.co.uk'
Cc: Davies lee M - KD; 'Paul Jones'
Subject: New alcohol premises application for Borat Express, 182 Hilldene Avenue, Harold Hill, Rm3 8 DB

Dear Mr Wiczerzynski

I write to you in relation to your recent application to Havering for the above premises license. I am the Police licensing officer for the borough and have received your recent submission for a new alcohol premises licence at the above address. Although you have detailed certain issues and awareness of the problems you may face with a premises that would sell alcohol, I would like to take this opportunity in suggesting some conditions that would go some way in reducing police concerns for licensable activity at your venue. I have taken the liberty to detail them below showing the appropriate wording police would be expecting at the very least.

A change of supply time to prevent the temptation of children trying to test the availability of alcohol on route to school is something I feel you **MUST** consider, perhaps **1000hrs** onwards would address such concerns.

Please can you read through the following suggestions and respond to Mr JONES (local Authority) and myself with your thoughts at the earliest opportunity.

In addition to the steps/conditions you have already offered on your application, considerations should be made to the following conditions,

1) 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.6) All staff shall be trained for their role including the operation of Challenge 25 on induction and at six-monthly intervals. Training shall include identifying persons under 25 years of age, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing. Written records shall be kept of all such training.

2) 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. The premises daily register shall also record all incidents in relation to the use of any force by staff or door supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed and details of the staff members involved.

3) Prominent, clear notices shall be displayed at [all exits] requesting that customers respect the needs of local residents and leave the premises and the area quietly.

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) All staff shall be trained in dealing with persons who are incapacitated through the use of drugs

or the combined effect of drugs and alcohol.

6) 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.

7) To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.

8) The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.

9) A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises 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.

10) Recordings shall be made available to an authorised person of the Licensing Authority or Havering Police together with facilities for viewing.

11) The premises frontage shall be kept tidy at all times.

Police also have concerns in relation to proxy sales at such an establishment. You must be able to see out of the venue and onto the street outside which will allow you to check for proxy sales that may be committed from adult customers buying alcohol at your premises then supplying to underage children outside. Your window dressing needs to be minimal to prevent such offences taking place. Police will also look for this following condition to be adopted to address our concerns on this matter.

13) 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.

I shall await your response at your earliest convenience. Many thanks in advance

Jason

PC Jason ROSE

Police Licensing Officer | Borough of Havering

Telephone 01708 432781 or 07825 735383

Email Jason.Rose@met.pnn.police.uk

+Address Romford Police Station, 19 Main Road, Romford, RM1 3BJ

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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 Robert NEWTON 270KD URN: [] [] [] []
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer p232870

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: [Handwritten Signature] Date: 27/08/2014.....

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

I am the above named person and I am a police officer based at Havering Borough attached to Gooshays Safer neighbourhood team as the Dedicated Ward Officer for 14 months. This statement is in relation to a new premises licence application that has been made by 182 Hilldene Avenue, Borat Express. The store wish to supply alcohol to be consumed off premises

In regards to this, I do have some concerns. We are currently having a large problem in the area with street drinkers. They hang around at the junction of Farnham Road and Hilldene Road which is about 100 yards from Borat Express. They will often also hang around outside this shop and have been causing a lot of problems for the local residents and businesses.

The Prevention of Crime and Disorder - These males who are drinking and handing around outside the store have been involved in a lot of incidents involving Shoplifting, Assault, Public Order. This is directly related to the fact most of them are alcoholics and having a cheaper and easier source of alcohol will surely make this problem worse.

Public Safety - Similar to the above members of the public are complaining about these males. Surrounding shops to the Borat Express have complained about these males harassing staff. A sexual assault allegation was made in August 2014 by a vulnerable female who later withdrew the allegation. Although no suspect was arrested, the victim did mention the suspect [redacted] who is known to us as one of the street drinkers who sleeps where the attack happened.

The Prevention of Public Nuisance - We have completed a survey in the area regarding the street drinkers. In this survey local residents and businesses expressed their view about the street drinkers

Signature: [Handwritten Signature] Signature witnessed by:

Continuation of Statement of **Robert NEWTON 270KD**

and I'm sure that nobody would appreciate another source of alcohol. We receive a high volume of complaints from local shoppers and shop keepers. One example of this is from August 2014 when a local security guard was pursuing a shoplifter and was surrounded by the drinkers who tried to attack him. The security guard has attempted to defend himself which resulted in him being arrested for GBH. No further action has been taken in regards to this but it put a lot of stress on the person involved from an incident that needn't occurred. We are also currently looking at getting a complete no drinking zone in the Hildene Shop area.



Signature: 

Signature witnessed by:

2003(1)