



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE

KOTAN SUPERMARKET (REVIEW)

AGENDA

10.30 am	Wednesday 22 April 2015	Council Chamber - Town Hall
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PLEASE NOTE CHANGE OF DATE

Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Philippa Crowder
Jody Ganly

For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
Taiwo.adeoye@onesource.co.uk

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

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)

Procedure for the Hearing Licensing Act 2003

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 78)

Application for a review of a premises licence for Kotan Supermarket, 9 Broadway Parade, Hornchurch, RM12 4RS.

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

22 April 2015

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

James Goodwin – Committee Officer
01708 432432
James.goodwin@onesource.co.uk

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

This is a hearing to consider an application for a review of a licence under section 51 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

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

2. Roles of other participants:

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

3. Chairman's Briefing meeting:

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

4. Location and facilities:

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

5. Notification of attendance:

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

6. Procedural matters:

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

- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The party requesting the review will outline:

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

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

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

length of time available to the party in question to make their representation.

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

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

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

Cross-Examination:

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

Relevance:

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

The prevention of crime and disorder;

Public safety;

The prevention of public nuisance; and

The protection of children from harm.

7. Failure of parties to attend the hearing:

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

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders made under the Licensing Act 2003 where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.
 - Other reviews of premises licenses where the Sub-Committee must make a determination within 28 days of the end of the statutory consultation period.

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

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

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or

- that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

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

12. Power to vary procedure:

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



Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

Date: 22 April 2015

Subject heading:

Kotan Supermarket
9 Broadway Parade, Hornchurch,
RM12 4RS
Application to Review the Premises
Licence

Report author and contact details:

Arthur Hunt, Licensing Officer
5th floor Mercury House

This application is to review the premises licence is made by Mr Keith Bush, Specialist Trading Standards Officer (Operations) under section 51 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 24 February 2015.

The premise is a ground floor unit in a terrace of other commercial units in Elm Park Avenue, Hornchurch. It is situated on the south footway approximately 30 metres from the junction with The Broadway, Elm Park. There are apparent residential units above the commercial units.

There is a bus stop directly outside the premises with Elm Park London Underground Station approximately 150 metres away in The Broadway.

A map of the area is attached together with a front view of the premises.

Application to review

The Trading Standards Service submits this application to review Kotan Supermarket premises licence, numbered 1347, in accordance with the provisions of s.51 of the Act.

In line with S.51(3)(a) of the act the licence holder and other Responsible Authorities were informed of the application on the 24 February 2015.

Mr Keith Bush submitted the review application on behalf of the Trading Standards service. Mr Bush's application is based upon the prevention of crime and disorder, and the protection of children from harm licensing objectives.

Trading Standards document that there have been 2 incidents of underage sales at the premise in June 2011 and December 2014. Also that counterfeit alcohol was seized at

the premises in March 2011; illegal cigarettes, tobacco and blunts were seized in December 2014 and illegal alcohol and cigarettes were seized in January 2015.

Requirements upon the Licensing Authority

The provisions of S.51(3)(b) of the Act dictate that the Licensing Authority undertakes certain functions with regard to an application made under this section. The Licensing Authority installed an appropriately worded public notice (copy attached) advertising this application at the premises, at Havering Town Hall and on Havering's website inviting interested persons and responsible authorities to make representations against, or in support of, the application in accordance with appropriate premises licence regulations 38 and 39.

When determining an application for a premises licence review made under s.51 of the Act requires that the relevant Licensing Authority holds a hearing to consider the application and any relevant representations made. During the hearing the Licensing Authority must take any of the following steps it considers necessary to promote the licensing objectives. These steps are:

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

Representations

There were no representations from Interested Parties.

There were three representations from Responsible Authorities.

Margaret Doe, Interim Service Manager, Safeguarding and Service Standards Unit submits a representation in support of the application based upon the protection of children from harm licensing objective.

PC Lee Davies submits a representation supporting the application on behalf of the Metropolitan Police, basing this upon the prevention of crime and disorder and protection of children from harm licensing objectives.

Mr Paul Campbell, Havering's Licensing Authority, also supports the application in a representation based upon the the prevention of crime and disorder and protection of children from harm licensing objectives.

Copies of all representations and supporting documentation are attached for reference.

A handwritten signature in black ink, appearing to read 'John King', is located at the bottom left of the page.

Arthur Hunt
Licensing Officer

**LICENSING ACT 2003
APPLICATION FOR A
PREMISES LICENCE REVIEW**

**Kotan Supermarket, 9 Broadway Parade
Elm Park, Hornchurch, RM12 4RS**

Notice is hereby given that an application has been made by the London Borough of Havering Trading Standards for a review of the above premises licence.

GROUNDINGS FOR REVIEW

An application is made under the “Crime and Disorder” and “Protection of Children from Harm” licensing objectives following two (2) underage sales at the premises, one (1) occasion where counterfeit alcohol was seized at the premises, two (2) occasions of illicit cigarettes seized at the premises and one (1) occasion of illicit alcohol seized at the premises.

Any interested party or responsible authority wishing to make representation on this matter must do so in writing to:

Licensing Section, C/O the Town Hall, Main Road, Romford, RM1 3BD between the 25th February 2015 and 24th March 2015.

The public register of Havering’s Licensing Authority containing the grounds for this review may be inspected by appointment at the above address by telephoning 01708 432777 Monday to Friday 09:00hrs to 17:00hrs or at www.havering.gov.uk.

It is an offence to knowingly or recklessly make a false statement in connection with an application for a review. On summary conviction a person is liable to a fine not exceeding level 5 on the standard scale (currently £5000)



Havering
LONDON BOROUGH

Copy of Application

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Keith Bush, Specialist Trading Standards Officer (Operations)

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Kotan Supermarket 9 Broadway Parade	
Post town Hornchurch	Post code (if known) RM12 4RS

Name of premises licence holder or club holding club premises certificate (if known) Mrs Berta Sarikaya

Number of premises licence or club premises certificate (if known) 001347

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Keith Bush, Specialist Trading Standards Officer (Operations) London Borough of Havering Trading Standards Service 5 th Floor, Mercury House Mercury Gardens Romford RM1 3SL
Telephone number (if any) 01708 433425
E-mail address (optional) keith.bush@haverling.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The prevention of crime and disorder and the protection of children from harm.

Underage sales of alcohol have been made to underage volunteers on 4th June 2011 and 11th December 2014.

Counterfeit alcohol was seized from the premises on 10th March 2011.

Illicit cigarettes, tobacco and blunts were seized on 11th December 2014.

Illicit alcohol and cigarettes were seized on 6th January 2015.

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

This review relates to the licence of Kotan Supermarket. The premises trades under the name Elm Park Express, situated at 9 Broadway Parade, Elm Park, Hornchurch. The premise is an independent off licence/grocers and the designated premises supervisor (DPS) is a Mr Caner COCELLI. The premises licence holder is a Mrs Berta SARIKAYA.

On 10th March 2011 the premises was visited as part of a series of visits across the borough in relation to counterfeit Jacobs Creek wine. During the visit 9 bottles of suspect counterfeit wine were seized which were later confirmed as counterfeit. As a result of this the trader was issued with a formal warning letter. A copy of the warning letter and surrender notice is in appendix A.

On 21st April 2011 the premises were revisited following intelligence that there was again counterfeit Jacobs Creek on the premises. During this visit a further bottle of counterfeit Jacobs Creek was seized. It would appear that this may have been missed during the seizure on 10th March 2011 and no further action was taken.

On 4th June 2011 at approximately 14:55 the trader was visited as part of a routine test purchase exercise. On the day 2 female volunteers, one aged 16 and one aged 17 entered the premises to attempt to purchase some alcohol. The volunteers were sold one 75cl bottle of Echo Falls wine. The volunteers were not challenged as to their age or any identification requested. The sale was personally made by Mr Caner COCELLI, the designated premises supervisor of the premises.

On 7th June 2011 an officer from the Service visited the trader was visited and Mr COCELLI signed up to our Challenge 21 scheme. A copy of the application is in appendix B.

On 1st June 2012 Mr COCELLI pleaded guilty to the underage sale offence at Romford Magistrates Court and was fined £233, ordered to pay £300 costs and a victim surcharge of £15.

On 11th December 2014 a further underage sale test operation took place in the Elm Park area.

One of the premises visited that day was Elm Park Express, 9 The Broadway, Elm Park Hornchurch. At approximately 18:40 a sixteen year old male volunteer entered the premises and was sold 2 cans of Carling lager. The alcohol was sold by a Mr Memet Ali SARIKAYA. Mr SARIKAYA failed to challenge the volunteer for his age or request any identification. He was issued with a fixed penalty notice for the offence. Mr SARIKAYA is the father of the premise licence holder, Berta SARIKAYA and also a personal licence holder.

During the day 5 premises were subject to a test purchase and Elm Park Express was the only shop that sold to the volunteer.

During the visit it was noticed that there were some bags of cigarettes under the counter all with foreign labelling on them. Alongside this was a bucket containing cash.

The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 require all cigarettes sold in the UK to be accompanied by the appropriate warnings in English. It is a criminal offence to sell or have in possession for sale cigarettes which do not comply.

Approximately 2600 illicit cigarettes were seized together with a quantity of loose tobacco and blunts.

On 6th January 2015 the premises were revisited together with officers from HM Revenue and Customs. Mr Caner Cocelli was working on the premises. Mr Cocelli was wearing a puffer coat and it was noted that he appeared to have something in his coat.

When he removed the contents he was found to have 80 Kent cigarettes and 120 Marlboro cigarettes on him. The packets did not have any English labelling on them. Mr Cocelli claimed these were for his personal use. These were the same brands as found in the seizure on 11th December 2014.

During the visit officers from HM Revenue and Customs identified a total of 121 bottles of alcohol which had not had any UK duty tax paid in them. These consisted of 26 bottles of Teachers whisky, 57 bottles of High Commissioner whisky and 38 bottles of Glens vodka. These were seized by Customs officers and the trader issued with a warning letter.

The trading standards service is concerned that the trader has made two underage sales of alcohol and been found selling counterfeit and illicit alcohol and cigarettes on three occasions in a only a few years.

The sale of counterfeit alcohol is not only harmful to the economy but also puts the health and wellbeing of residents in the borough at risk. The contents of any counterfeit alcohol is unknown. Counterfeit alcohol can contain cheaper forms of alcohol which can have serious adverse effects on peoples health. For example high levels of methanol can cause blindness.

The sale of illicit alcohol and cigarettes is harmful to the economy and is a criminal offence. In addition to this illicit cigarettes do not carry the necessary health warnings in English and safety filters to prevent fires.

The trading standards service does not have confidence in the management of this venue and do not believe that they are promoting the licensing objectives of the protection of children from harm and preventing crime and disorder.

The number and nature of the failures are sufficiently serious that revocation of the licence should be considered.

If the committee do not feel this is appropriate then we would suggest that robust conditions are required to prevent further underage sales at the venue and the sale of counterfeit and illicit alcohol and tobacco.

Please tick yes

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

If yes please state the date of that application

Day Month Year

+	+						
---	---	--	--	--	--	--	--

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

N/A

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

24/2/15

Capacity

SPECIALIST TRAINING STANDARDS OFFICER (OPERATIONS)

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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



Havering
LONDON BOROUGH

Housing & Public Protection
London Borough of Havering
5th Floor, Mercury House
Mercury Gardens
Romford RM1 3SL

Mr Caner Colcelli t/a Kotan
9 Broadway Parade,
The Broadway,
Hornchurch
RM12 4RS

Telephone: 01708 433428
Fax: 01708 432554
email: mark.lancod@havering.gov.uk
Textphone: 01708 433175
Date: 31st March 2011

COPY

Dear Mr Colcelli,

**Trade Marks Act 1994
Licensing Act 2003
Counterfeit Jacobs Creek Wine**

I write further to my visit to your premises Kotan, 9 Broadway Parade, The Broadway, Hornchurch on 10th March 2011.

During the visit 9 bottles of suspect counterfeit Jacobs Creek wine were found and were seized. The wine has now been examined by the brand holder and confirmed as counterfeit.

Under Section 92(1) of the Trade Marks Act 1994 it is a criminal offence to sell, expose for sale or have in your possession goods bearing a mark identical to or likely to be mistaken for a registered trade mark. A person found guilty of such an offence is liable on conviction to a maximum sentence of 10 years imprisonment and/or an unlimited fine. In addition to this any goods seized are liable to be forfeited.

Any person found selling counterfeit goods on a licensed premises also risks a review of their alcohol licence. However in light of the relatively small quantity of counterfeit items found on your premises on this occasion it has been decided to take no further action in relation to this incident.

I would warn you however that the supply of counterfeit drink is taken very seriously by this authority as it potentially endangers the health of the general public.

We will be revisiting traders later in the year and if any further counterfeit items are found in your possession such a lenient view will not be taken.

As the wine is counterfeit, it cannot be sold. Attached is a voluntary surrender form. I would be grateful if you could sign and return this to me. If you have any further queries or wish to discuss this matter further please do not hesitate to contact me on

Yours Sincerely,

Mark Lancod
Fair Trading Officer
Cc Licensing



Housing & Public Protection
London Borough of Havering
5th Floor, Mercury House
Mercury Gardens
Romford RM1 3SL

Mr Caner Colcelli t/a Kotan
9 Broadway Parade,
The Broadway,
Hornchurch
RM12 4RS

Telephone: 01708 433428
Fax: 01708 432554
email: mark.lancod@havering.gov.uk
Textphone: 01708 433175
Date: 31/03/2011

VOLUNTARY SURRENDER OF GOODS

I Caner Colcelli being the owner of **9 items** hereby agree to relinquish all title and ownership and voluntarily surrender the said goods to the London Borough of Havering, Trading Standards Service for disposal or any purpose they deem fit.

Signed : 

Date : 31.....3.....11.....

Yours faithfully,

Mark Lancod
Fair Trading Officer



Havering
LONDON BOROUGH

Housing & Public Protection
5th Floor Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

Telephone: 01708 433416
Fax: 01708 432554
email: trading.standards@havering.gov.uk
Textphone: 01708 433175
Date: 7/6/11

CHALLENGE 21 CODE OF PRACTICE

Trading Name: Kotan

Address: 9, The Broadway
Elm Park
RM12 4RS

Telephone Number: 01708 476449

Owner/Manager Caner Cocelli
DPS

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

Signed: X [Signature]

Name Printed: X CANER COCELLI

Date: X 07.06.2011

THANKYOU FOR COMPLETING THIS FORM



INVESTOR IN PEOPLE

LONDON BOROUGH OF HAVERING

Statement of witness

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

Statement of : Sasha Taylor

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

Occupation of Witness : Senior Fair Trading Officer

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

Dated the 17th day of December 2014

Signed :



I am Sasha Taylor Senior Fair Trading Officer, for the London Borough of Havering, I have worked for the borough for 22 years.

On 11th December 2014, I was part of an underage sales alcohol test purchasing exercise with my colleagues Trading Standards Officers Ann Bowes Katalin Morath and Fair trading Officer Dave Turner. We also had Pc Lee Davies accompanying us and 1 male volunteer, who was 16 years of age.

Before we left the office, I weighed, measured and took photographs of the volunteer. His height was 5" 11" and he weighed 64kg.

One of the premises we visited was Elm Park Express, 9 The Broadway, Hornchurch, RM12 4RS (formally known as Kotan Supermarket). The volunteer was instructed to try to test purchase alcohol. I witnessed Ann Bowes go into the shop, I walked the volunteer over the road and waited with him, and then instructed him to go into the shop. I witnessed him enter the shop shortly after Ann.

He then came out the shop holding a blue carrier bag, which he handed to me. He had been sold 2 cans of Carling Lager 4.0% Alcohol content. The time of sale was approximately 18:40. We walked back to the car park and I informed Pc Davies what had happened. The volunteer then

Signed :



got into a vehicle with Katalin Morath and she took him for refreshments whilst Ann, Pc Davies and I went back into the shop.

There was one male present behind the counter. We introduced ourselves and Ann explained that he had just sold alcohol to the sixteen year old male, that was just in the shop. He denied the sale. Saying something like 'I haven't sold any Carling today. Ann stressed to him that she had just witnessed the sale and said that he did not ask the volunteer for any identification.

I asked the Male to shut the shop whilst we were dealing with the matter. I then asked the male to come out from behind the counter, so that I could carry out an inspection there.

When I looked under the counter, directly underneath the till, I found a pink plastic bag which contained KENT cigarettes. I produce a photo of these as exhibit ST/EPE/PH/03. I noticed a cream coloured bag that was open, inside the bag were cigarettes and tobacco. I took a photo and produce this as exhibit ST/EPE/PH/04. I then found another black plastic bag which contained more illicit cigarettes, all of the cigarettes and rolling tobacco had no English labelling on them. I produce these photos as exhibit ST//EPE/PH05-07. Next to the three bags there was a white bucket containing cash, I produce a photo of this as exhibit ST/EPE/PH/08.

Upon further inspection, I found a cardboard box with a white bin on top of it, under the counter, when I lifted the bin off the box, I found more illicit cigarettes and rolling tobacco. I produce a photo of the box containing the tobacco as exhibit ST/EPE/PH/09.

I then inspected the Blunts that were on a shelf in the window, there were 8 packets of Cherry Blunts that had German writing on them, and 15 French Vanilla packets of blunts, that had incorrect warning on them. I produce photos of these as exhibits ST/EPE/PH/10 and ST/EPE/PH/11.

I then found another small box on top of the counter next to the till which contained 10 packets of superslim Winsk cigarettes and 40 Benson and Hedges none of these had English writing on them. I gave the seller a search without consent notice and we then searched out the back of the shop for cigarettes but none were found.

The male behind the counter gave his name as Memet Ali Sarikaya, and he gave his home address as 26 Wadham House, Edmonton, N18 2XT. Pc Davies issued him with a Fixed Penalty Notice. He is a personal licence holder.

Memet said the cigarettes were a Romanian customers and not his.

Ann Bowes spoke to the premises licence holder Mrs Berta Sarikaya over the telephone and explained what had happened. She told Ann, she was living at the same address and Mr Memet Ali Sarikaya at the moment and not at 88 Meridian Walk, Tottenham as on the licence.

There was a refusal book on the premise that was in use. I signed this book on the last entry.

We carried out five test purchase inspections and Elm Park Express were the only shop that sold to the volunteer.

Ann and I bagged and tagged all the items and when I asked Mr Sarikaya if he would sign the seized property records but he declined.

We all left the shop at approximately 20:00. As we were leaving a lady was about to walk into the shop I said to her 'your not going it there for cheap cigarettes are you? - she replied 'yes' I told her there were none left. She swore and said 'oh no, I'm not going to bother going in there then'.



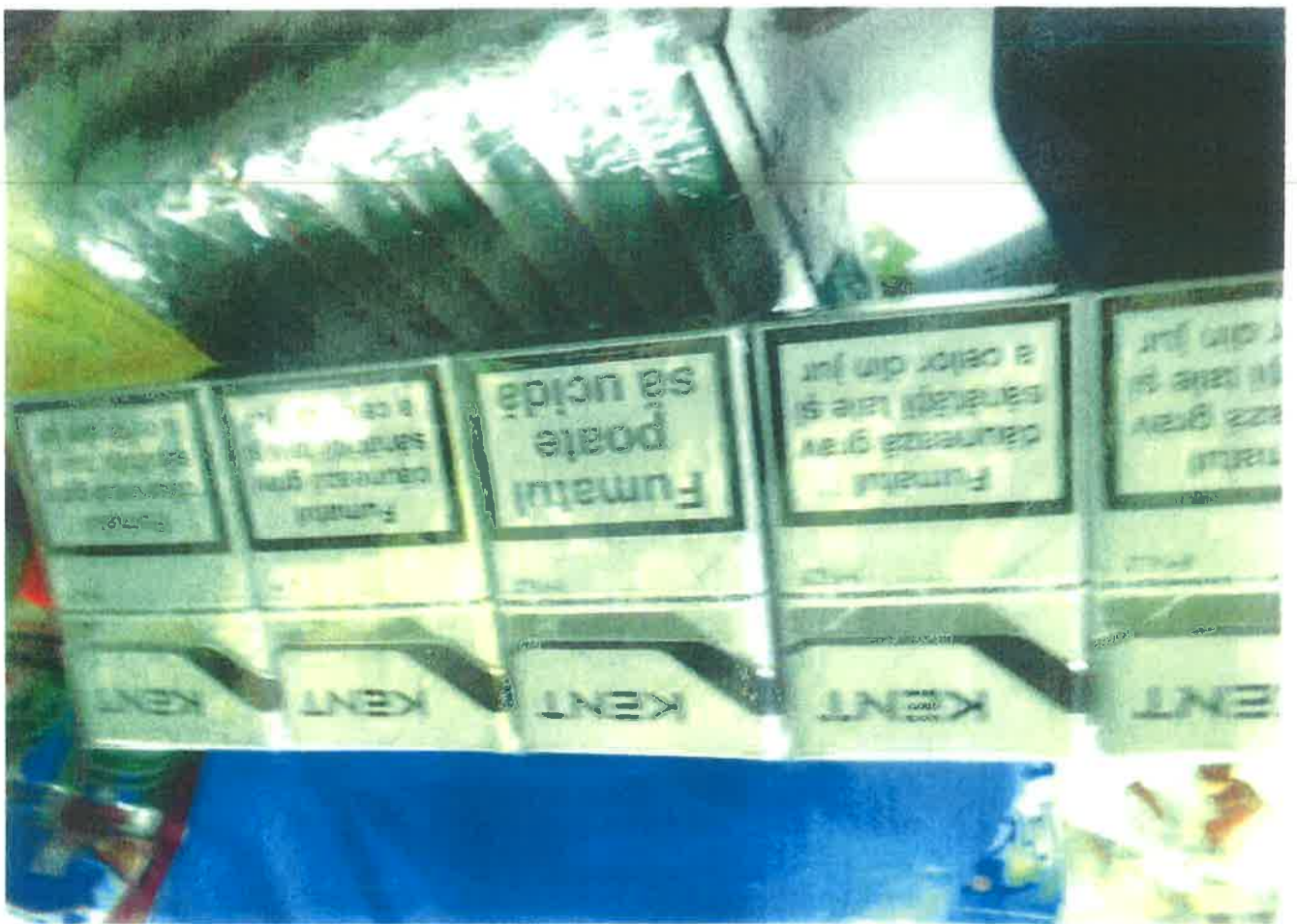
57154



57158



57100



57105



ST/05



ST/09



57/08



58/08



877



LONDON BOROUGH OF HAVERING

Statement of witness

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, s5B)

Statement of Ann Bowes

Age of Witness OVER 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

This statement, consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 15th day of December 2014

Signed:



I am Ann Bowes, Trading Standards Officer for the London Borough of Havering Trading Standards department. I have worked in Trading Standards since September 2002. As part of my duties I am duly authorised to enforce the provisions found in the Licensing Act. On the 11th December 2014 I was lead officer on an under age sales test purchase operation. The officers from Trading Standards that were present on this day were Sasha Taylor Katalin Morath and Dave Turner. Also present was PC Lee Davis. The volunteer on this day was 16 years . Dave Turner was to be the witness in the first 2 premises visited. At approximately 18:35 the volunteer was instructed to enter into Elm Park Express 9 Broadway Parade Elm Park. He was instructed to try and purchase some alcohol. I was already in the premise when the volunteer entered. I saw him pick up 2 cans of Carling Lager and a packet of crisps and went to the counter. I followed him to the counter and stood behind him as he made his purchase. The gentleman behind the counter did not ask the volunteer any questions and sold the items to him. I made my purchases and left the premises. The sale took place at 18:40. I returned to the premise with Sasha Taylor and PC Lee Davis. The seller identified himself as Mehmet Ali Sarikaya. He showed us his driving

Signed :.....



licence and his personal Licence issued by Enfield Council. His home address is 26 Wadham House, College Close Edmonton N18 2XT. Sasha Taylor was looking behind the till area and found a quantity of illicit cigarettes. At this point we decided to ask Mr Sarikaya to close the shop for the duration of our visit. Mr Sarikaya explained that the cigarettes did not belong to him and that one of his customers had left the cigarettes there the previous day. PC Lee Davis issued Mr Sarikaya with a fixed penalty fine for the sale of the alcohol. We asked him to show us the CCTV if this was the case surrounding the cigarettes but the CCTV was not working. Sasha Taylor and myself proceeded to count the cigarettes. At 19:00 I spoke with the director of the company Berta Sarikaya. She is the daughter of Mehmet Ali Sarikaya. She again said to me over the phone that the cigarettes did not belong to the shop and that a customer had left them there. I asked her, her home address where she could be contacted. She replied that she did not have a fixed place to live at the moment and was between her partners house and her father's house. She said to me that she could be contacted at the same address as her father. The following quantity of cigarettes was seized.

Kent - 780 Cigarettes

Mayfair - 360 Cigarettes

Winston - 260 Cigarettes

Marlboro Gold - 720 Cigarettes

Marlboro Red - 100 Cigarettes

1 Packet of Super slim Minsk

500g (10 x 50g) Golden Virginia

8 packets of cherry blunts 18 double platinum French vanilla blunts.

Sealed in evidence bag R00793220. Mr Sarikaya refused to sign the seizure record. At 19:57 Sasha Taylor lifted up the bin behind the counter and a further quantity of cigarettes were located.

The following items were counted and placed in evidence bag R00793220.


500g (10x50g) Golden Virginia

250g of Amber leaf

Benson and Hedges Gold - 200 Cigarettes

Winston - 200 Cigarettes

Signed : 

Once the bag was sealed, further items were found and sealed in evidence bag R00793219 10 Packets of super slim Minsk and 40 Benson and Hedges. We left the premises at 20.10. 

Signed : 

HM Revenue and Customs
Statement of witness

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, s5B)

Statement of: Patrick Hawthorne

Age of OVER 18

Occupation: Customs Officer

This statement, consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 7th day of January 2015..

Signed: 

I am an officer of HM Revenue & Customs based at Custom House, 20 Lower Thames Street, London, EC3R 6EE.

On the 6th January 2015 I visited Langton's Cottage, Billet Lane, Hornchurch, Essex where, Senior Fair Trading Officer Sasha Taylor showed me tamper proof evidence bag (TEB) number, R00793219 containing 10 packets of Mnhck Superslims and 40 Bensons & Hedges cigarettes. These packets were covered in foreign writing, had no UK fiscal markings – no UK duty stamp on the packet.

Again, I was shown TEB with number R00793220 containing 400 Marlboro Gold, 200 Benson & Hedges and 200 Winston cigarettes. Also in said TEB were 10 x Golden Virginia and 4 x packets of Amber Leaf hand rolling tobacco (HRT). All the packets of both the cigarettes and the HRT were covered in foreign writings, had no UK duty paid stamps on the packets.

In addition I was shown TEB with number R00793221 containing various brands of packets of cigarettes and blunts hand rolling tobacco. All the packets were covered in foreign writing, and did not have the required UK fiscal markings and all had foreign writings and duty stamps on.

From the foreign writings on all the packets, the lack of UK fiscal markings and UK Health warnings this all indicates that they should not be for sale in the United Kingdom .

Signed : 
07/01/2015

LONDON BOROUGH OF HAVERING

Statement of witness

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

Statement of : **Sasha Taylor**

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

Occupation of Witness : **Senior Fair Trading Officer**

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

Dated the 21st day of January 2015

Signed :



I am Sasha Taylor Senior Fair Trading Officer, for the London Borough of Havering, I have worked for the borough for 22 years.

On 6th January 2015, I visited Elm Park Express, 9 The Broadway, Hornchurch, Essex, accompanied by colleagues Richard Eve and Patrick Hawthorne from HM Revenue & Customs.

Upon us arriving at the counter, there was only one male present, I now know this man to be Mr Caner Conccelli, the Designated Premises Supervisor. I showed my credentials and introduced us all and Patrick asked the man what he had under his jacket.

Mr Conccelli then proceeded to opened his coat and boxes of unopened cigarette fell out. In total he had on him 120 Marlboro Gold cigarettes and 80 Kent cigarettes. All the cigarettes had foreign labelling on them.

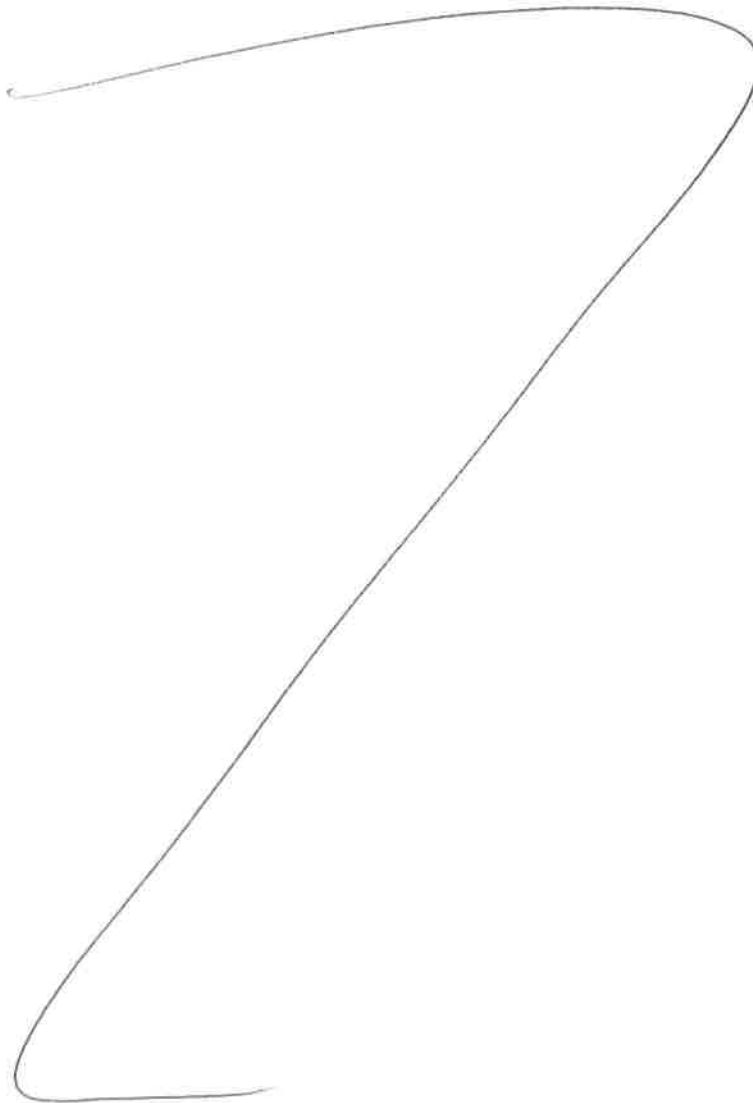
He was asked why he had them hidden in his jacket and he just said they were his own cigarettes.

Patrick and Richard checked all the alcohol and found 121 bottles which had no Duty Tax paid.

Signed :



Customs officers gave Mr Conccelli a warning letter, and seized the alcohol. I seized the cigarettes and wrote the seal numbers of the alcohol seized by customs on the seizure notice.



LONDON BOROUGH OF HAVERING

Statement of witness

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, s5B)

Statement of Ann Bowes

Age of Witness OVER 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

This statement, consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19th January 2015

Signed: 

I am Ann Bowes, Trading Standards Officer for the London Borough of Havering Trading Standards department. I have worked in Trading Standards since September 2002. On the 6th January 2015 Sasha Taylor of Havering Trading Standards and myself were accompanied by officers of HM Revenue and Customs. On this day we were conducting routine visits to premises within the borough. One of the visits we conducted was to Elm Park Express 9 Broadway Parade Elm Park. We entered the premise and spoke with the gentleman behind the counter. I now know this gentleman to be Mr Caner Cocelli. Mr Cocelli had a puffer coat on. It appeared that Mr Cocelli had something in his coat. He was asked to remove the contents from his coat. He removed 80 Kent cigarettes and 120 Marlboro cigarettes which were in packet of 20. The packets did not have any English labelling on. The kent cigarettes had a film wrapper around them that had been opened and the Marlboro cigarettes were packaged in the same way. Mr Cocelli said that these cigarettes were for personal use. Sasha Taylor seized the cigarettes and these were sealed in evidence bag DA0230637. Officers from HM Revenue and Customs proceeded to look around the premises. They identified a total of 121 bottles of alcohol which had not had any UK duty tax paid

Signed : 

on it. The 121 bottles consisted of 26 bottles of Teachers whisky, 57 bottles of High Commissioner whisky and 38 bottles of Glens. The officers from HM Revenue and Customs seized the 121 bottles using the powers authorised to them. Mr Caner showed his driving licence as identification which gave the address above the shop as his current address. A search of this premise was conducted but no items were found.



WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Richard Eve

CAN

Age if under 18: Over 18 (If over 18 Insert 'over 18')

Occupation: Officer HMRC

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 04/02/2015

Indicate if witness evidence is visually recorded (Y/N) (supply witness details on rear)

I am Richard Eve an officer of HM Revenue and Customs Currently based at Custom House in London. On the 6th of January 2015 at 11:00 I was on duty at Elm Park Express, 9 Elm Park Parade, Hornchurch, along with Officer Hawthorne. Also present was Sasha Taylor and Ann Bowes from Havering Trading Standards. On entering the premises a male we now no to be Mr Caner Conccelli was spoken to and it was explained to him that we would be inspecting his goods and looking at his excise goods under the Customs and Management act 1979 Section 112. I noticed that he may have had something in his coat, I asked him to empty it and it contained foreign cigarettes which did not bear UK duty marks.

Found in his coat were 120 Marlboro Gold and 80 Kent cigarettes. On inspection of the alcohol a large number of bottles both on the shelves and in the storeroom were found to be counterfeit either there was issues with the back labels or they did not show up under ultra violet light. In total 121 bottles were seized a mixture of both Whiskey (High commissioner and Teachers) and Vodka (Glen's).

Mr Conccelli was left a copy of the seizure notice and warning letter.

Date: 04/02/15

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)


STATEMENT OF WITNESS: ENGLAND AND WALES ONLY



HM Revenue & Customs

Exhibit Reference:	EVE0001
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Description of Exhibit:
Warning letter issued to Mr Caner Concelli on 6 th January 2015, after visit from HMRC and Trading Standards.

Produced by:			
Name of Witness:	Richard Eve		
Signature:		Date:	04/02/2015

Subsequently identified by:			
Name of Witness:		Date:	
Name of Witness:		Date:	
Name of Witness:		Date:	
Name of Witness:		Date:	
Name of Witness:		Date:	
Name of Witness:		Date:	

Number of pages of which Exhibit consists:	1 (Not Tape including Exhibit label)
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Tel

Fax

Email

Date 06/10/15
Our Ref
Your Ref

www.hmrc.gov.uk

WARNING OF LIABILITY TO PROSECUTION

The goods listed on the attached schedule have been seized under section 139 of the Customs and Excise Management Act 1979. This is without prejudice to any other action that the Commissioners for Revenue and Customs may take against you in connection with this seizure including referral for prosecution.

You should be aware that if excise goods are seized from you again, you may be prosecuted under section 170 of the Customs and Excise Management Act 1979 or for any other offences revealed. On that occasion you may also be prosecuted for previous offences when warning letters were issued to you (including this one).

A person found guilty of an offence under Section 170 of the Customs and Excise Management Act is liable to an unlimited fine and/ or up to seven years' imprisonment.

Officer..... 

I acknowledge receipt of this letter

Signed 

Information is available in large print, audio tape and Braille formats.
Type Talk service prefix number – 18001

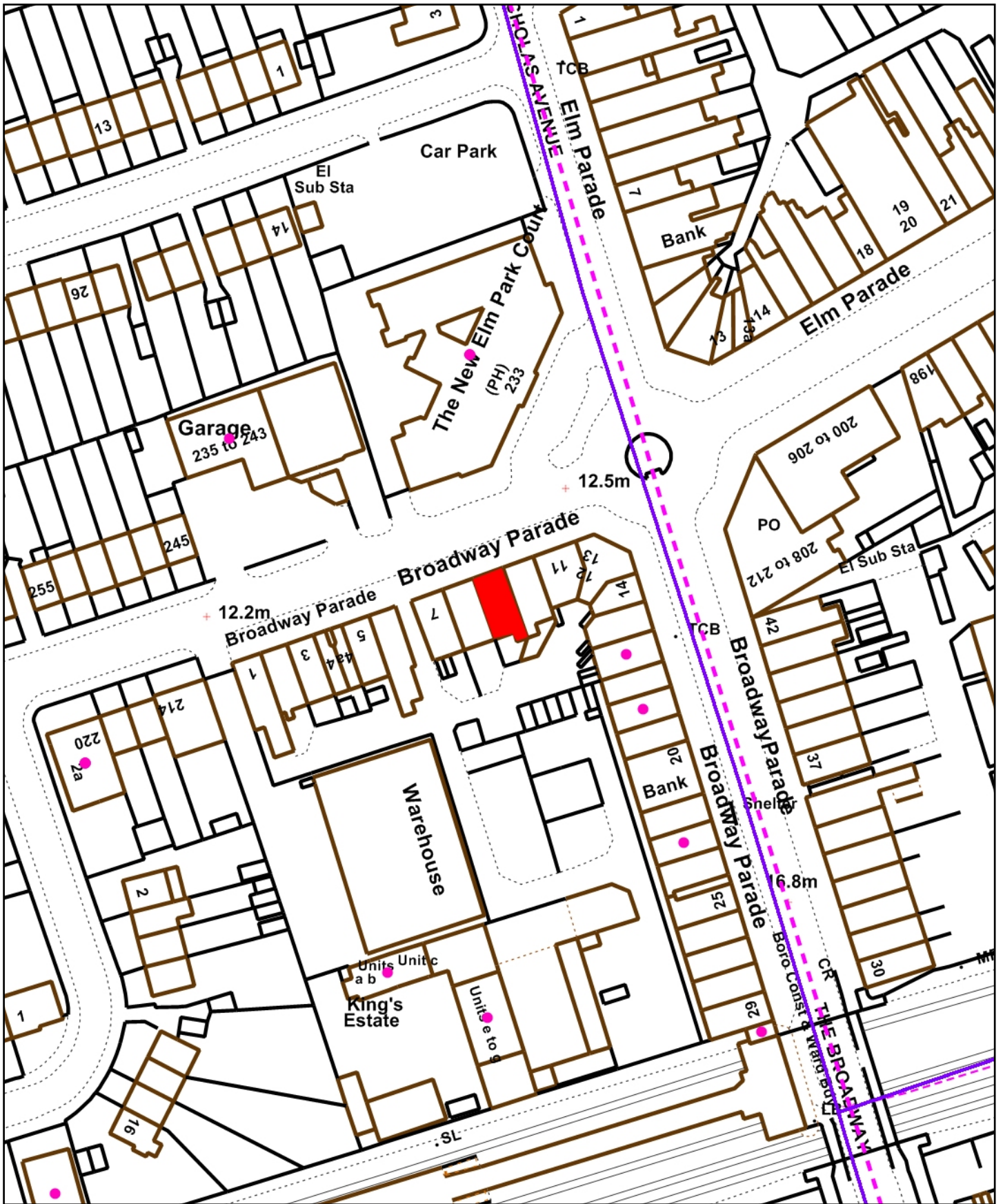




Kotan Supermarket (shown here as Elm Park Express)

9 Broadway Parade, Hornchurch, RM12 4RS

(Google Earth)



Kotan Supermarket, 9 Broadway Parade



Scale: 1:1000
 Date: 18 March 2015



Representations from Responsible Authorities



Public Protection

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

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

Telephone: 01708 432766
Fax: 01708 432554
email: paul.campbell@havering.gov.uk
Textphone ☎: 01708 433175

Date: 18 March 2015

My Reference: PPC 16456

Dear Sir

Licensing Act 2003
Kotan Supermarket
9 Broadway Parade, Elm Park, Hornchurch, RM12 4RS.
Application to review the premises licence

With regard to the above I can confirm that this Licensing Authority wishes to make representation to support the Trading Standards application to review the premises licence based upon our concerns in relation to the prevention of crime and disorder and the protection of children from harm licensing objectives.

On Saturday 20th December 2014 I attended the premises at 9 Broadway Parade, Elm Park, Hornchurch RM12 4RS the name at the premises is "Elm Park Express" but the premises licence issued under the Licensing Act 2003 is in the name of "Kotan" (licence number 1347).

I found that the original premises licence or a certified copy of the licence was not on the premises and therefore not available for inspection, a photo copy of part "B" was on display (not a certified copy).

Alcohol was being displayed for sale for the complete length of the wall behind the counter (shop plan attached) in the fridges directly opposite the counter, no other goods were in this fridge, trays of canned beers were stacked in front of the display and fridge at the end of the shop, also wine was displayed for sale in three round wire baskets which were situated on the floor of the shop at the end of the counter.

As the licence was not at the premises I could not check the conditions and the layout of the shop.

On Monday 22nd December I checked my findings against the records held by the licensing authority. At 09.30hrs I telephoned Mr Coccelli the Designated Premises Supervisor for the premises and told him of my findings and that alcohol other than that displayed along the wall behind the counter has to be removed to comply with the plan on

Public Protection Bringing together Environmental Health & Trading Standards

the premises licence., he agreed to this, I pointed out the other matters and I informed him that I would be issuing a formal warning regarding the offences a copy of the warning and photos of alcohol display attached.

On Tuesday 23rd at 16.15hrs I attended the premises to deliver a copy of the formal warning letter, the staff told me that they were aware that the alcohol had to be removed but stated they had been busy and not had time to remove it,

The fridge opposite the counter was still full of alcohol, the cases of caned beers were not there, the baskets of wine were still in the isle, I took pictures of the fridge and wine baskets. (photographs attached)

I asked why the alcohol had not been removed and was told by a male staff member that he was the only person there and had not had time to do it, he tried to pull down the built in roller curtain over the fridge alcohol but it was broken and would not stay down in place.

I inspected the rest of the premises and noticed that water was leaking through from the ceiling and dripping onto the food counter, I informed the staff member he called out and a female came out from the rear room and removed the food goods under the leak and then left supposedly to investigate the leak.

After my second visit the alcohol was removed to the permitted areas.

- Prior to my visit to the premises they had failed a test purchase and had illicit cigarettes seized
- At the time of my first visit they were breaking the condition of the premises licence by displaying alcohol for sale in areas which were not permitted.
- They were not keeping to the basic licensing conditions of having the licence or certified copy at the premises and the correct part of the licence or certified copy displayed.
- After speaking with the DPS and pointing out the offences they had over 30 hours to comply with their licence by removing the alcohol and they failed to do so.
- After my visit in January they had illicit alcohol and cigarettes seized at the premises

History of the premises

10/02/2011 – licenced transferred to Mr Caner Coccelli (from Mr Ali Aydin)

10/03/2011 – Counterfeit alcohol seized

27/04 2011 – DPS changed to Mr Caner Coccelli (from Mr Ali Aydin)

04/06/2011 – Underage test purchase failure

14/06/2012 – licenced transferred to Mrs Berta Sarikaya (from Mr Caner Coccelli)

11/12/2014 – Underage test purchase failure

11/12/2014 – Illicit, cigarettes, tobacco and blunts seized

20/12/2014 – Licensing inspection

22/12/2014 – Offences pointed out to DPS and Licence holder

23/12/2014 – Offences still being committed

06/01/2015 – Illicit, alcohol and cigarettes seized

This is not a premises that have made a one off mistake or have small problems at the premises. The problems at this premises stem from 2011 to this year.

They have not put in place procedures to prevent alcohol being sold to under age persons. They seem to have no regard to the licensing laws even the ones that are easy to comply with such as the availability of the premises licence.

Public Protection Bringing together Environmental Health & Trading Standards

They have not complied with the laws relating to counterfeit and illicit goods. When offences are pointed out to the DPS and licence holder little is done immediately to rectify the problem and appropriate action is only taken when forced to do so by a further licensing visit.

The licensing authority has no confidence in the licence holder or the DPS in being able to run a legal and problem free premises and recommends that the premises licence is revoked

If the Sub-Committee are minded not to revoke the premises licence we ask that they consider adding stringent conditions regarding the training of staff, age verification, purchasing of alcohol from registered wholesalers only to the premises licence and the removal of Mr Coccoelli as the DPS.

Yours faithfully

Paul Campbell
Licensing Specialist



Premises licence number

001347

Part 1 – Premises details

Postal address of premises

**Kotan Supermarket
9 Broadway Parade Hornchurch RM12 4RS**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30
Good Friday – 08:00 to 22:30
Christmas Day – 12:00 to 15:00 & 19:00 to 22:30**

The opening hours of the premises

As above

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

Off supplies only

Part 2

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

**Mrs Berta Sarikaya
88 Meridian Walk, Totenham, London, N17 8EH**

1 of 3

Signed

Paul Campbell, Licensing Officer

Registered number of holder

Not applicable

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

**Mr Caner Coccelli
XXXX Home Address XXXX**

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

LN/201000039 – Broxbourne Borough Council

Mandatory conditions

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

Annex 2 – Conditions consistent with the operating schedule

1. **Alcohol shall not be sold in an open container or be consumed in the licensed premises.**
2. **Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.**
3. **Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:**
 - (a) **On weekdays, other than Christmas Day, 08:00 to 23:00**
 - (b) **On Sundays, other than Christmas Day, 10:00 to 22:30**
 - (c) **On Christmas Day, 12:00 to 15:00 & 19:00 to 22:30**
 - (d) **On Good Friday, 08:00 to 22:30**

The above restrictions do not prohibit:

 - (i) **the taking of the alcohol from the premises.**
 - (ii) **the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;**
 - (iii) **the sale of alcohol to a trader or club for the purposes of the trade or club;**
 - (iv) **the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.**

2 of 3

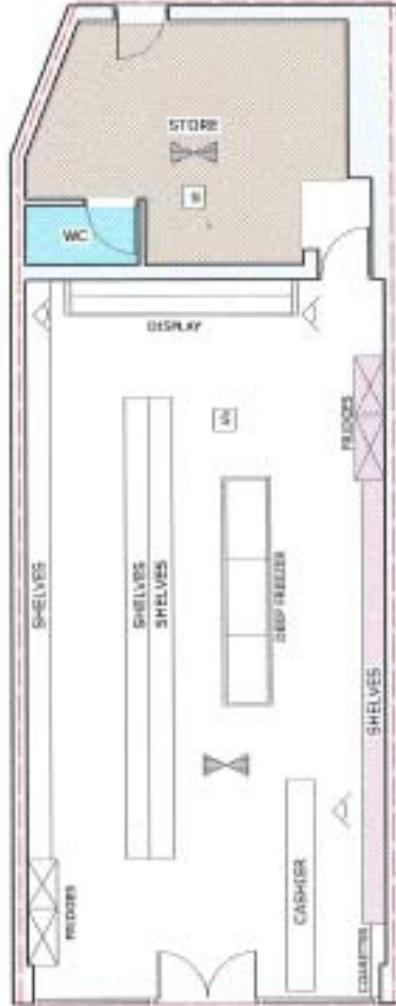
Signed

Paul Campbell, Licensing Officer

Not applicable

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:



EXISTING GROUND FLOOR

- LEGEND
-  LIQUOR SALES
 -  LIQUOR STORAGE
 -  WC, PASSAGEWAY, ETC
 -  AMBIT OF LICENSED PREMISES
 -  SAFETY LIGHTING
 -  CARBON DIOXIDE FIRE EXTINGUISHER
 -  9 LT. WATER FIRE EXTINGUISHER
 -  CCTV

Signed

Paul Campbell, Licensing Officer



Part B

Premises licence summary

Premises licence number

001347

Premises details

Postal address of premises

**Kotan Supermarket
9 Broadway Parade Hornchurch RM12 4RS**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30
Good Friday – 08:00 to 22:30
Christmas Day – 12:00 to 15:00 & 19:00 to 22:30**

The opening hours of the premises

As above

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

Off supplies only

Name, (registered) address of holder of premises licence

**Mrs Berta Sarikaya
88 Meridian Walk, Totenham, London, N17 8EH**

Registered number of holder

Not applicable

Signed

Paul Campbell, Licensing Officer

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

Mr Caner Cocco

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

Not applicable

2 of 2



Public Protection

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

Kotan Supermarket & Off Licence
9 Broadway Parade
The Broadway
Hornchurch
RM12 4RS

Telephone: 01708 432766
Fax: 01708 432554
email: paul.campbell@havering.gov.uk
Textphone ☎: 01708 433175

Date: 22 December 2014

Your Reference:
My Reference: PPC/Ins Visits031559

Dear Sir/Madam

Licensing Act 2003
Premises Licence No. 001347

Formal Warning

Kotan Supermarket & Off Licence, 9 Broadway Parade, The Broadway, Hornchurch, RM12 4RS

The following issue(s) has/have been discussed with Mr Caner Coccelli and I have determined that the appropriate course of action is to issue a formal warning. The issue(s) we discussed were as follows:

- Alcohol is being displayed for sale at the premises outside of the area permitted on the plans supplied with the application and shown on the premise licence. (a copy of the correct shop plan is enclosed to assist you)
- The original premises licence or a certified copy was not at the premises.
- Part B of the premises or a certified copy was not displayed at the premises (only a photo copy was displayed)
- The name shown at the premises is "Elm Park Express" and on the licence as "Kotan Supermarket".

Any repetition of the matters listed above is likely to result in further action, whose ultimate outcome may be for the London Borough of Havering to seek a prosecution against you.

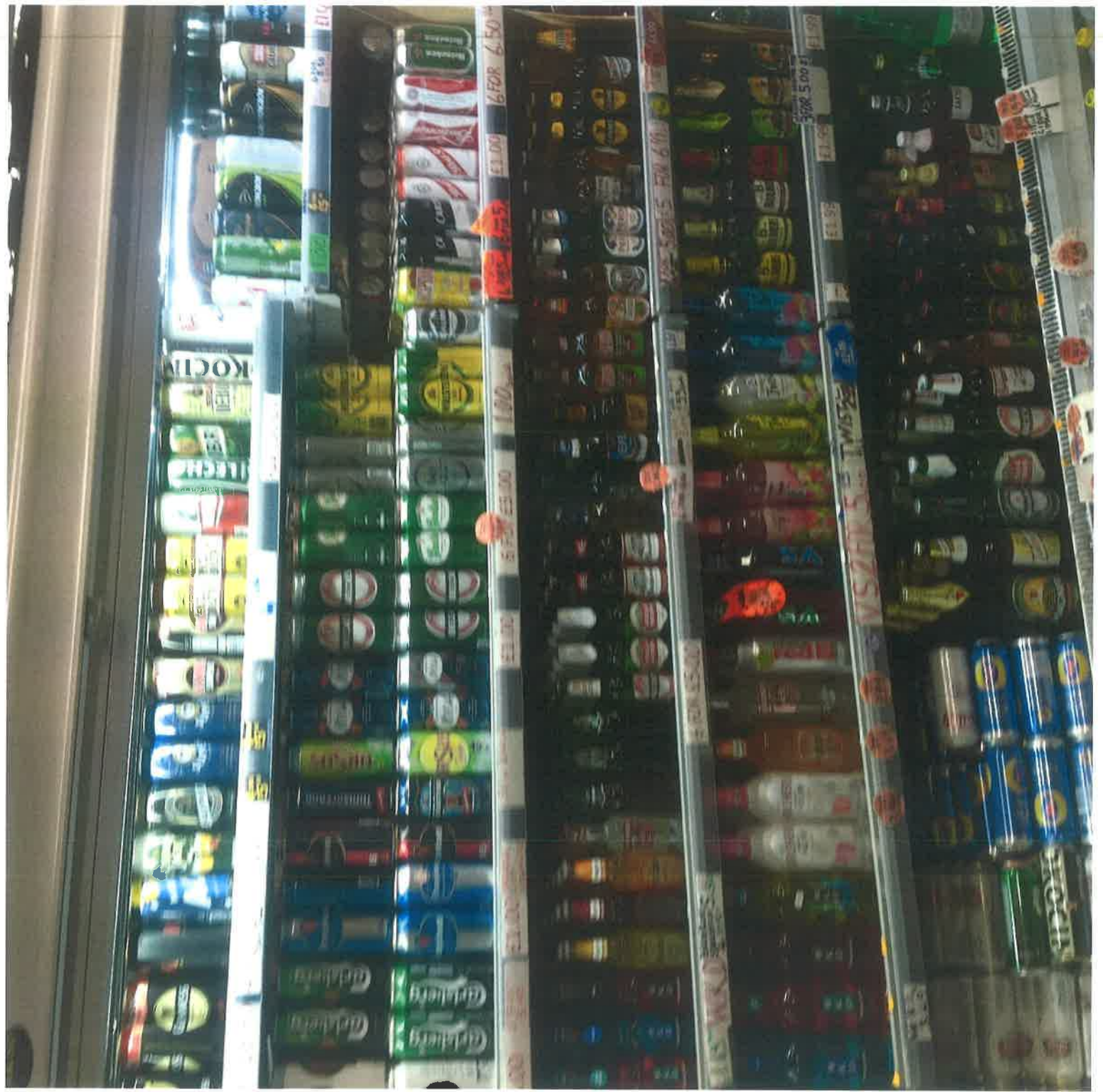
If you require further clarification please do not hesitate to contact me.

Cont..

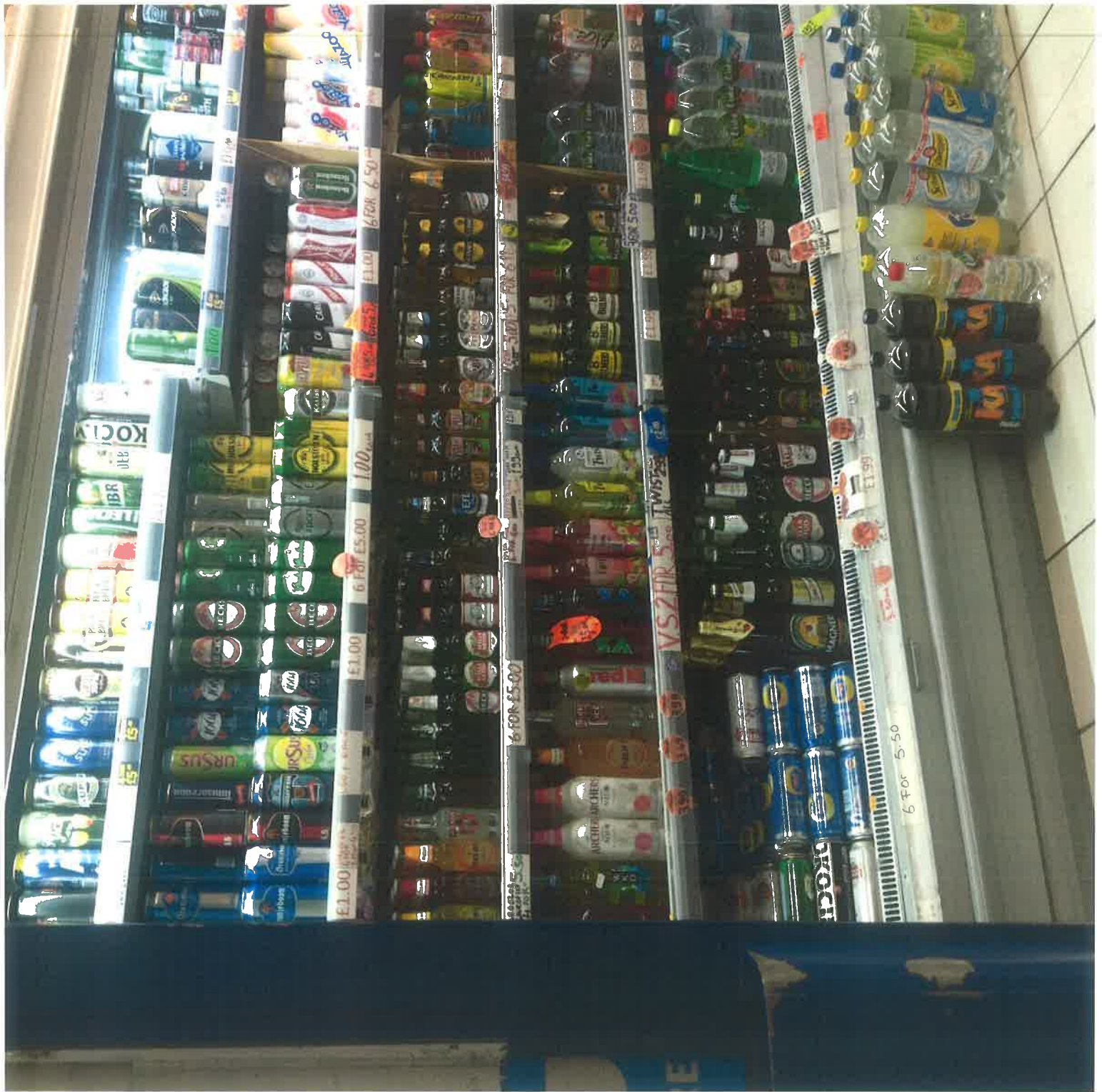
Yours faithfully

Paul Campbell
Licensing Specialist

CC – Mrs Berta Sarikaya, 88 Meridian Walk, Tottenham, London, N17 8EH









Licensing Authority
Havering licensing Authority
Mercury House
Mercury Gardens
Romford
Essex

RM1 3SL

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

Romford Police Station
19 Main Road
Romford
RM1 3BJ

Telephone: 01708-779171
Facsimile:
Email:
lee.M.Davies@met.pnn.police.uk
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Your ref:
Our ref: Kotan Supermarket
10 March 2015

Police have been served a review by Trading standards for the following premises Kotan Supermarket (Elm Park Express) 9 Broadway Parade, Hornchurch, Essex, RM12 4RS

Police wish to support the observations under two of the four Licensing objectives.

- 1, The prevention of crime and disorder
- 2, The protection of children from harm

The premise is located in Elm Park, on a parade of shops near to Elm Park Underground station. It is within a short walk to several primary schools and Abbs Cross academy and Arts College.

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

KDRT00304912 - Underage Alcohol Sale

Thursday 11th December 2014

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 occasion was 16 years of age. Having entered the premises the volunteer managed to purchase several cans of Carling Lager with an alcohol content of 4% per can, the sale was witnessed by officers from trading standards that were in the venue at the time of the sale.

Police joined trading standards in the venue and the allegation was put to the shop worker Mr Mehmet Ali SARIKAYA, and he was issued with a £90 fixed penalty notice. Mr SARIKAYA did not challenge the volunteer nor did he ask for identification to confirm the age, Police would also like to point out that Mr SARIKAYA currently holds a personal licence issued by the London Borough of Enfield.

At the time of the sale the DPS (Dedicated premises supervisor) was not present; furthermore, there was a large quantity of foreign cigarettes under the counter (Estimated to be 2000 +) that had not been VAT cleared,

KDRT00257062 - Underage Alcohol Sale

Saturday 4th June 2011

Police and trading standards officers visited the premises to conduct a test purchase operation, the dedicated premises supervisor at the time sold a 75cl bottle of Echo Falls wine at 11% volume to a 16 year old test purchaser, no identification was requested and the DPS did not ask for the volunteers age, The DPS was prosecuted by Trading standards and pleaded guilty at court, He was fined £233 and was told to pay £300 towards the costs.

KDRT00229759 Test Purchase operation

Saturday 20th December 2008

Police and trading standards officers attended the premises to test the availability of alcohol using a test purchase operative, who was 16 years old at the time,

On this occasion the shop did not sell, but police and trading standards officers noted that the persons working behind the counter was not supervised and in their opinion was no more than about 14 years old.

KDRT00225631 Licensing concerns

Tuesday 3rd June 2008

On TUESDAY 03/06/2008 at 1220hrs Police visited KOTAN SUPERMARKET 9 BROADWAY PARADE ELM PARK AVENUE ELM PARK HORNCHURCH and spoke with the DPS regarding incidents that occurred on Friday night into Saturday morning 30/05/2008-31/05/2008 over the road at THE ELM PARK HOTEL PUBLIC HOUSE. Police advised that they were unhappy with the attitude of his member of staff and his inability to be able to operate the CCTV system in the shop. The situation meant that he was unable to dispel police and trading standards officers concerns that persons under eighteen years of age were obtaining alcohol from his premises whether by direct sale or as a result of persons buying it on their behalf.

Police have advised that both the DPS and his staff need to urgently address their attitude when dealing with young persons particularly at the weekends. This extended to a warning that it was not acceptable to leave a twelve year old boy behind the serving counter alone at 2200hrs on a Friday night. The DPS was also advised and warned about the following requirements if the venue is to avoid a premises licence review;

1. CCTV maintenance
2. Challenge 21 and strict ID compliance
3. Daily Occurrence and refusals register to be completed
4. Staff training and qualifications to be reviewed

KDRT00180038 ASB at the location

Friday 12th May 2006

Police responded to a call at the location of reports of anti-social behavior outside of the venue, On arrival the officers noted that some of the group had alcohol in their possession and were no more than 15-17 years old, The officers spoke to the shop manager and raised concerns that he was selling to underage children, The manager admitted that he had sold alcohol one of the group members previously, The alcohol was removed and the attending officer noted that he fears that the venue will continue to sell to under age children,

KDRT00108217 Licensing offences found

Friday 3rd October 2003

Police attended the venue along with trading standards and officers from customs and excise to conduct a joint operation, whilst at the venue, there were several VAT irregularities in the venue records and some of the alcohol on display was removed for further investigation, it was also noted that a pick axe handle and a knife were located behind the till point.

In Summary

There appears to be a common theme with this venue, although some of the examples the police have used are old it would suggest that irrespective of who the owner, manager, DPS are they are not capable of following the law or indeed the conditions set out in the premises licence,

Furthermore police received an email on 12/03/2015 from the current management's representatives stating that the venue had lost the premises licence.

If this is the case then how is a failing venue going to comply with the conditions set out in the licence if they do not have one to refer to in the first place,

It is the police's opinion that the premises licence for this venue should be revoked on the grounds that the management do not appear to be able to comply with the conditions set in the licence and have shown that there have been occasions where they sold alcohol to underage children,

Should the committee feel that revocation is not the way forward then the police would like the following conditions?

1, The current DPS should be removed and replaced with a DPS with a proven track record in the off licence trade, The new person must provide evidence to support this

2, 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.

3, Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale advising customers that they may be asked to produce evidence of their age

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

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

6, 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.

7, All personal licence holders supervising the supply of alcohol shall hold a nationally recognised licensing qualification.

8, 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.

9, 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.

10, 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.

11, 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.

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

13 The Premises Licence Holder and/or Designated Premises Supervisor shall not purchase any alcohol goods from door to door sellers.

14, The Premises Licence Holder and Designated Premises Supervisor 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).

15, 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.

16, 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.

17, 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

18, Legible copies of the documents referred to in above Condition shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request and shall be retained on the premises for period of not less than twelve months.

19, 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.

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

If I can be of any further assistance please feel free to contact me

Regards

Lee DAVIES
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Romford Town centre Team

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Date: 6th March 2015

Dear Paul,

RE : Licensing Act 2003; Review of Premises Licence Number 001347; Kotan Supermarket, 9 Broadway Parade, Hornchurch, RM12 4RS.

I write to support the review of a premises licence regarding the Kotan Supermarket (trading under Elm Park Express) brought by Trading Standards.

Children Social Care holds responsibility to ensure that licensing objective (e) the protection of children from harm is upheld.

The report submitted by Trading Standards to support their application to review evidences significant concern for the way in which the premises is managed, operates its business and ensures that children are protected from harm.

The business has failed two underage sales. On both of these occasions the person selling did not challenge the young person or request identification to confirm age. This was despite a commitment from the licence holder to implement Challenge 21 following the first underage sale.

The premise has been found to sell counterfeit alcohol and cigarettes that have been bought outside the UK. Although the owner was warned regarding illegal selling the practice appeared to have continued.

Children social care has no confidence in the manner in which the business is run and is of the view that the business processes do represent a risk to children and young people. Children social care is not confident that the management will comply with any restrictions placed on the establishment to improve standards: the Trading Standards report evidences that concerns were not acted on by management to ensure that all licensing objectives were complied with.

Children social care fully supports Trading standards contention that the failure of the business in complying with the licencing objectives are sufficiently serious that revocation of the licence should be considered.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MCDoe', written over a horizontal line.

Margaret Doe
Interim Service Manager
Safeguarding and Service Standards