



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE MCINTOSH NEWS (REVIEW)

AGENDA

10.30 am	Tuesday 3 May 2016	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Robert Benham
Keith Roberts (Vice-Chair)

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

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

Members may still disclose any 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 APPLICATION TO REVIEW A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003 (Pages 7 - 88)

Application to review a premises licence of McIntosh News 19 McIntosh Road Romford Essex RM1 4JU.

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

3 May 2016

REPORT

Subject Heading:

Procedure for the Hearing
Licensing Act 2003

Report Author and contact details:

Richard Cursons – Committee Officer
01708 432430
richard.cursons@onesource.co.uk

REPORT OF THE CLERK

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

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

1. Membership of the Sub-Committee:

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

2. Roles of other participants:

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

3. Chairman's Briefing meeting:

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

4. Location and facilities:

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

5. Notification of attendance:

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

6. Procedural matters:

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

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

Introduction of the application:

The party requesting the review will outline:

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

Documentary evidence:

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

Representations:

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

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

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

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

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

Cross-Examination:

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

Relevance:

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

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

7. Failure of parties to attend the hearing:

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

8. Adjournments and extension of time:

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

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

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

10. Power to exclude people from hearing:

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

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

11. Recording of proceedings:

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

12. Power to vary procedure:

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

LICENSING SUB-COMMITTEE

REPORT

3 May 2016

Subject heading:

McIntosh News

Report author and contact details:

**19 McIntosh Road Romford RM1 4JU
Premises licence review application
Paul Jones, Licensing Officer
5th floor Mercury House
paul.jones@havering.gov.uk**

This application to review a premises licence is made by Trading Standards Specialist Ms Sasha Taylor under s.51 of the Licensing Act 2003 (the Act). The application was received by Havering's Licensing Authority on 14th March 2016.

Geographical description of the area and description of the building

McIntosh News is located at the junction of McIntosh Road and Marshalls Drive in Romford. The premises appears to operate as a newsagent / convenience store. The surrounding vicinity is entirely residential.

Comments and observations on the application

The application was submitted in accordance with the provisions of s.51 of the Act. The grounds for the review are that alcohol sales have been made to persons under the age of 18 during Trading Standards' test purchase exercises on three occasions since 2007. The most recent test purchase failure occurred in August 2015. All three test purchase failures were made by the premises licence holders, both of whom hold personal licences.

Requirements upon the Licensing Authority

The provisions of s.51 of the Act dictate that the Licensing Authority undertakes certain functions with regard to a premises licence review application. To this end a suitably worded public notice was placed at the premises. The same notice was also installed at Havering's Town Hall notice board on Main Road and also made available on Havering's website. A copy of the notice is attached for reference.

When determining an application for a premises licence review s.52(3) of the Act requires that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in s.52(4) as it considers necessary for the promotion of the licensing objectives. These steps are:

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

Summary

There were no representations supporting this application from interested persons.

There was one representation supporting this application from a responsible authority, namely the Police.

Responsible authorities' representations

PC Belinda Goodwin makes representation supporting this application on behalf of the Metropolitan Police. PC Goodwin's concerns relate to the protection of children from harm.



WARNING
letter

APPENDIX C

Peter Davenport
Trading Standards Manager

Public Realm
London Borough of Havering
Langtons Cottage, Billet Lane
Hornchurch RM11 1XL

Telephone: 01708 433420
Fax: 01708 432717
email: katalin.morath@havering.gov.uk
Textphone: 01708 433175

Date: 16th July 2007

Mr J Patel
The Post Office
19, McIntosh Road
Romford
RM1 4JU

My Reference: KM

Dear Mr Patel,

Licensing Act 2003
Sale of alcohol to an individual under eighteen.

As you are aware during an underage alcohol test purchasing exercise a member of your staff sold alcohol to a person under the age of eighteen on 19th May 2007.

This contravenes the above legislation and I must remind you that it is a criminal offence to supply alcohol to anyone under the age of eighteen and such action could result in legal proceedings being taken against you through the criminal courts. A person found guilty of this offence is liable on summary conviction to a maximum fine of £5000.00.

On this occasion this Service does not intend pursuing any further action at this time, however you should view this letter as a warning and ensure that all your staff are more vigilant. A copy of this letter will be retained on file and any future infringements will be considered in light of this correspondence.

I trust this letter is self explanatory however should you have any queries please contact me on above telephone number and I will be pleased to assist.

Yours sincerely

Katalin Morath
Fair Trading Officer



Trading Standards Service
5th Floor, Mercury House
Mercury Gardens,
Romford, RM1 3SL
Telephone 01708 43
Fax 01708 432554
Email: trading.standards@havering.gov.uk

No: TS/4218

INSPECTION REPORT

Trading Name: McIntosh News

Address: 19 Melrose Rd

Date & Time of Inspection: 10/14/12 Type of Premises: Newsagent

Seen / Interviewed: 10/14/12 Licence Cat: 1

This report only covers the areas inspected at the time of visit. It does not necessarily signify compliance with any matter arising under any areas/legislation mentioned below. Comments should not be assumed to apply to any matters other than those specified. Further advice regarding this inspection may be given by letter.

AREAS OF INSPECTION INDICATED BELOW

Consumer Safety Fair Trading Weights & Measures Licensing Other

INSPECTION POINTS/COMMENTS (including details of samples)

Routine visit Re Chal 25
Had 21 poster Gave Mr Patel New guide
for traders on chal 25 + he signed new
Chal 25 policy Adv to change poster to chal 25
Went through price with Mr Patel
Advised him to ensure all staff instructed to operate
Chal 25
Leaflets Information Pack Other Inspection Type P NP
Adv to use refusal book

Officers Signature: _____ Name: _____ Tel: _____
Received by: _____ Date: 15/11/12
Corrective action to be taken (date): _____



(Gave new checklist) 49/25



Havering
LONDON BOROUGH

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

M.M.

Telephone: 01708 433416
Fax: 01708 432554
email: trading.standards@havering.gov.uk
Textphone: 01708 433175

18/4/12

CHALLENGE 25 CODE OF PRACTICE

Trading Name: McIntosh News

Address: 19, McIntosh Road
..... Romford
..... RM4 4JY
.....

Telephone Number: 01708 763287

Designated Premises Supervisor: Mr J Patel

I/we agree to comply with the London Borough of Havering's Challenge 25 Code of Practice for the supply of alcohol. 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 Jagan Patel

Name Printed: Y JAGAN R. PATEL

Date: X 18-04-12

THANKYOU FOR COMPLETING THIS FORM



FORMAL CAUTION

Case Reference : 642

OFFENDER'S NAME : MRS VINODBALA
FORENAME(S) : PATEL
ADDRESS : 19, McIntosh Road, Romford, Essex,
RM1 4JU

DATE OF BIRTH : 04/08/1945

DATE OF OFFENCE : 1st June 2011

PLACE OF OFFENCE : McIntosh Post Office, 19 McIntosh Road,
Romford, RM1 4JU.

BRIEF CIRCUMSTANCES OF OFFENCE : You did sell to a person under the age of 18, namely a 75cl bottle of Echo Falls California rose wine 12% alc vol, contrary to section 146(1) of the Licensing Act 2003

DECLARATION :

I hereby declare that I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law.

Signed : Vinodbala J. Patel
Mrs Vinodbala Patel

Date : 21.02.12.

Signed : William Adams
Mr William Adams
Divisional Manager Operations

Date : 15 MARCH 2012,

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

.....

Capacity

.....

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.

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

valuable tool to the retailer. On the 4th August 2015 again there was no refusal book on the premises even though this was added as a condition on the licence after the sale.

The trader adopted the following conditions after the sale in 2011 these were:-

- Installing a CCTV system that is fit for purpose and operating to Home Office guidelines
- A personal Licence Holder being in the shop at all times that alcohol is on display for sale
- Adopt a 'Challenge 25' policy by only accepting a valid form of Identification i.e passport or driving licence before selling any age restricted products
 - A Refusal of Service register being introduced and retained
- The need to remind customers suspected of buying alcohol on behalf of underage persons that it is an offence to do so.

They have continued to operate without a refusal register even after the first underage sale and despite it being quite clear that this is an important part of their diligence. They have also failed to honour previous assurances to install CCTV at the venue.

Although in this case the sales have taken place over a longer period of time, the trading standards service has lost confidence in management and has concerns regarding the operation of this venue.

The people that have made the sales are the owners of the business. If the licensing sub-committee believe that the trader will continue to sell to underage persons we would suggest that revocation of the licence would be appropriate and should be considered.

If however, it is felt all conditions are appropriate we would welcome any further conditions that would help prevent any future underage sales, or we would ask you to consider suspension of the licence until conditions are adequately implemented.

In this review I have included the following supporting documents.

Formal Caution Mrs V Patel dated 21/02/12 – APPENDIX A

Inspection report and Challenge 25 code of practice dated 18/02/12 – APPENDIX B

Warning letter dated 16/07/07- APPENDIX C

Witness statement of Arthur Hunt– APPENDIX D

Minutes from meeting on 21/09/15 APPENDIX E

trader was advised to replace all challenge 21 posters with challenge 25 posters . On 22nd May 2012 the Challenge 25 application was returned to our office. Copy in Appendix B

On 4th August 2015, the shop was visited as part of an underage sales test purchasing exercise and Mr Janak Patel sold an alcoholic beverage to a 15 year old female volunteer. He did not ask for identification or the age of the volunteer. Mr Patel is also the Designated Premise Supervisor. The volunteer purchased a bottle of Echo Falls Fruit Fusion Rose Wine at 9.5 % volume. cost £5.99. The sale was witnessed by Senior Trading Standards Officer Josile Munro. When asked Mr Patel said that he forgot that's why he sold. There was no refusal book and he was unable to produce any training records. On the day two businesses failed out of six visited.

On 10th August 2015, Licensing Officer Arthur Hunt visited McIntosh news, and Mr Patel was asked to address a number of issues. In total 9 licence conditions were being breached. Further visits were subsequently carried out 2nd September 2015, 28th September 2015 and 17th November 2015 as Mr Patel failed to contact licensing and address the issues raised as far as I am aware Mr Patel never contacted Mr Hunt. (see statement in Appendix D)

On 16th October 2015, Trading Standards Officer Ann Bowes called Mr Patel to remind him about the Fair Trading Award Training which was scheduled for 31st October 2015. Mr Patel said he would not be attending as he was taking his wife to the hospital.

On 21st October 2015, a meeting took place between Mr Patel, his licensing agent, the trading standards service, licensing and a police licensing officer to discuss the recent problems at the venue.

At the meeting the licensing team made it clear that Mr Patel had still not set up his CCTV as his conditions required despite a number of follow up visits. Mr Patel admitted that it was a mistake to sell alcohol to a young person under the age of 18, and blamed it on the workload and hours he had to do that day as he had to cover for a newspaper boy who had not turned up.

During the meeting it was made clear to Mr Patel that he had not implemented conditions he had previously agreed in 2012 and Mr Patel was unable to say why or convince us that he would do so and maintain them in the future.

He was asked if he would surrender his licence, which he said he did not want to do as he wanted to sell the business with the licence included. The property at 19 McIntosh Road includes a residence. Mr Patel was asked where he would live and he said he had a home nearby which he would move to. Mr Patel said he was going to sell the business. It was agreed at the meeting that he would send evidence that the shop was being put up for sale and then notify us of the sale. To date this notification has never been received.

The trading standards service is concerned that the trader has sold three times within a few years and never did action the conditions that were agreed in 2012. This is despite numerous attempts to engage with the trader.

These failings by what should be considered responsible persons within the venue gives the Trading Standards Service significant concerns as to their commitment to preventing underage sales and responsible alcohol retailing.

The trader appears to be unable or unwilling to successfully operate a Challenge 25 scheme despite numerous attempts by the Trading Standards Service to offer this

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

This review relates to McIntosh Road Post Office who trade under the name McIntosh News. The shop is a small independent business situated alone in a totally residential location of McIntosh Road, Romford, and Essex, RM1 4JU. The designated premises supervisor and premises licence holder is Mr Janak Patel. Mr Patel and his wife have run the business for the last 30 years.

On 1st June 2011, as part of an underage sale test purchasing exercise. Mrs Vinodbala Patel, (wife of the designated premise supervisor) sold one 75cl bottle of Echo Falls red wine (12% alcohol Volume) to a 16 year old volunteer. There was no request for identification or enquiry about age. There was no CCTV, no refusal register and no premise licence displayed. Mrs Patel received a formal caution in relation to the sale. Mrs Patel had also sold alcohol to a person under 18 in 2007. Following this sale a warning letter was sent to the business (see Appendix C) and they signed up to operate a 'Challenge 21' policy.

The venue then passed two test purchases after this sale, and a further pass in January 2009.

On the 8th November 2011, Mr Janak Patel attended a meeting with Trading Standards and a Police Licensing officer, the purpose of the meeting was to discuss concerns raised following two failed test purchase initiatives conducted at the premises resulting in alcohol being sold to sixteen year old volunteers by Mrs Vinodbala Patel.

Following the meeting an action plan was agreed requiring the following as proposed conditions on their licence these were;

- installation of a a CCTV system, fit for purpose.
- A personal Licence holder being on the premises at all times that alcohol is displayed for sale.
- In light of Mrs Patel failing two underage sales test purchases of alcohol she should no longer be authorised to make alcohol sales on behalf of Mr Patel.
- It was suggested that appropriate checks were carried out to ensure proof of age before selling alcohol.
 - To adopt a "Challenge 25 policy"
 - A refusal register being introduced and retained.
- Also the need to remind customers suspected of buying alcohol on behalf of underage persons that it an offence to do so.

After numerous emails and phone calls the buiness finally, submitted a minor variation in February 2012 adopting all of the above as conditions on their licence. The only condition that was not accepted, was Mrs Patel not selling alcohol. Mr Patel did not agree to the proposed restriction on his wife not being able to make alcohol sales.

Mr Patel told his licensing agent that due to the limited income he gets from the premises he would find it difficult to have to employ a person to cover his wife's duties. The licensing agent agreed that they would arrange for her to attend a recognised training course. We have never received any confirmation that Mrs Patel attended any training.

Mrs Patel signed a Formal Caution on 21st February 2012, in relation to the sale on the 1st June 2011. Copy in Appendix A

On 18th April 2012, an officer delivered and went through our challenge 25 pack, the

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sasha Taylor, Specialist Trading Standards Officer London Borough of Havering Trading Standards Service 5 th Floor, Mercury House Mercury Gardens Romford Essex RM1 3SL
Telephone number (if any) 01708 433479
E-mail address (optional) sasha.taylor@haverling.gov.uk

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

Please tick one or more boxes

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

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

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

Underage sales have been made to persons under the age of 18, on three occasions since 2007. The sales have been made by the Designated Premise Supervisor and personal licence holders who both hold personal licences within the business.

We therefore believe that the trader has failed in their duty to protect children from harm.

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)

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 Sasha Taylor — TRADING STANDARDS SPECIALIST
(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 <p style="text-align: center;">Mcintosh Road Post Office 19 Mcintosh Road</p>	
Post town Romford	Post code (if known) RM1 4JU

Name of premises licence holder or club holding club premises certificate (if known) Mr Janak Patel and Mrs Vinodbala Patel

Number of premises licence or club premises certificate (if known) 002077

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)



Havering

LONDON BOROUGH

STATEMENT OF WITNESS

(Criminal Procedure Rules r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of Arthur Hunt

Age if under 18 (if over 18 insert "over 18") Over `18

Occupation of Witness Licensing Officer, London Borough of Havering

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 in it anything I know to be false or do not believe to be true.

Dated 23rd 2015

Signed *As Hunt*

I have asked to make a statement by Anne Bowers, who is a Trading Standards Officer, of my dealings with a premise called McIntosh News, 19 McIntosh Road, Romford RM1 4JU.

I am a Licensing Officer and have been employed by the London Borough of Havering since January 2013. My duties amongst other things include the administration and enforcement of the provisions of the Licensing Act 2003.

The premise is covered by a premises licence number 2077 issued under the Licensing Act 2003 by the London Borough of Havering. I produce a copy of the licence as **EXHIBIT AGH/1**.

As a result of information received, I conducted an inspection at the premises on the 10 August 2015. I spoke with the Designated Premises Supervisor and joint Licence Holder Mr Janak Patel. As part of the inspection I examined the refusals register for the premises and took a photograph. I produce this photograph as **EXHIBIT AH/2**.

Following the inspection I wrote to Mr & Mrs Patel in a letter dated the 11 August 2015, as the joint Licence Holders, detailing issues that required addressing. I produce a copy of the letter as **EXHIBIT AGH/3**. In that letter I requested a response by the 1 September 2015. Having not received any response I re-attended the premises on the 2 September 2015. With Mr Patel I conducted an inspection and found that most of the

Signed *As Hunt* Signature witnessed by

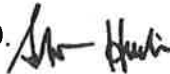
Statement of Arthur Hunt

issues raised in my previous letter were still outstanding. As a result of that inspection I sent another letter, dated the 3 September 2015. I produce a copy of that letter as **EXHIBIT AGH/4**. I once again requested a response by the 17 September 2015. I did not receive a response, however on the 21 September 2015 I attended a meeting organised by Trading Standards with Mr Patel. This was held at Mercury House, Romford. Those in attendance were Josile Munro (Trading Standards) and PC Belinda Goodwin (Police Licensing). The conclusion of the meeting was that Trading Standards would draw up an action plan for the premises.

On the 28 September 2015, having been assured that all issues had been resolved at the premises by Mr Patel at the above mentioned meeting; I attended the premises. I discovered that this was not the case. I therefore wrote to Mr and Mrs Patel again in a letter dated the 29 September 2015. I once again requested a response by the 21 October 2015. I produce a copy of this letter as **EXHIBIT AGH/5**.

Once again, I did not receive a response. I therefore re-visited the premises on the 17 November 2015. On this occasion I spoke with Mrs Vinodbala Patel, the wife of Mr Patel and also joint Licence Holder. During the inspection I noted that the premises had been issued with a new refusals log, so I took 2 photographs. I produce these photographs as **EXHIBIT AGH/6** and **EXHIBIT AGH/7**. I once again wrote to Mr and Mrs Patel in a letter dated the 18 November 2015. I also, once again, requested that I be contacted by the 10 December 2015 with a response to the issues I had raised. To date I have not been contacted. I produce a copy of that Letter as **EXHIBIT AGH/8**.

Mr Janek Patel is a Personal Licence Holder with the London Borough of Havering. This was issued to him on 21 November 2005. I produce a copy of the paper counterpart of licence number 001838 as **EXHIBIT AGH/9**.



Signed  Signature witnessed by



Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Premises Licence No. 2077

I identify this item as Exhibit Number:

AGH/1

Signature(s)

Janak Patel

Court Exhibit Number:



Havering
LONDON BOROUGH

Premises licence number

002077

Part 1 - Premises details

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

**McIntosh Road Post Office
19 McIntosh Road, Romford RM1 4JU**

Where the licence is time limited the dates

N/A

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
Christmas Day 12.00 to 15.00 and 19.00 to 22:30
Good Friday 08.00 to 22.30**

The opening hours of the premises

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

Off Supply Only

Part 2

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

**Mr Janak Patel and Mrs Vinodbala Patel
19 McIntosh Road, Romford RM1 4JU
01708 763287**

1 of 5

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

N/A

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

Mr Janak Patel

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

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

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

A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 and 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 will be readily available for inspection by an Authorised Person throughout the trading hours of the premise.

2 of 5

All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

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.

A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as ‘identification standard’ of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a ‘System File’ which should be readily available for inspection by the relevant authority;

- **Site plan showing position of cameras and their field of view.**
- **Code of Practice.**
- **Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position**
- **Operational requirement.**
- **Incident log.**
- **Maintenance records including weekly visual checks.**

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.

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

The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the ‘System File’. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

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.

3 of 5

A written Refusals record shall be maintained in which details of all refusals of service including for underage shall be recorded. The record shall be produced to police or authorised officers on request.

Signs stating that it is an offence to buy or attempt to buy alcohol if under 18 years or to buy or attempt to buy alcohol for a person under 18 shall be clearly displayed by the front door and at the point of sale

Embedded conditions relevant to this licence

Alcohol shall not be sold or supplied except during permitted hours.

Subject to the following exceptions no person shall, except during the permitted hours listed above, sell or supply alcohol or take alcohol from the premises. The exceptions are

- i. During the first 20 minutes after the above hours the taking of the alcohol from the premises, provided it is not taken in an open container.**
- 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.**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

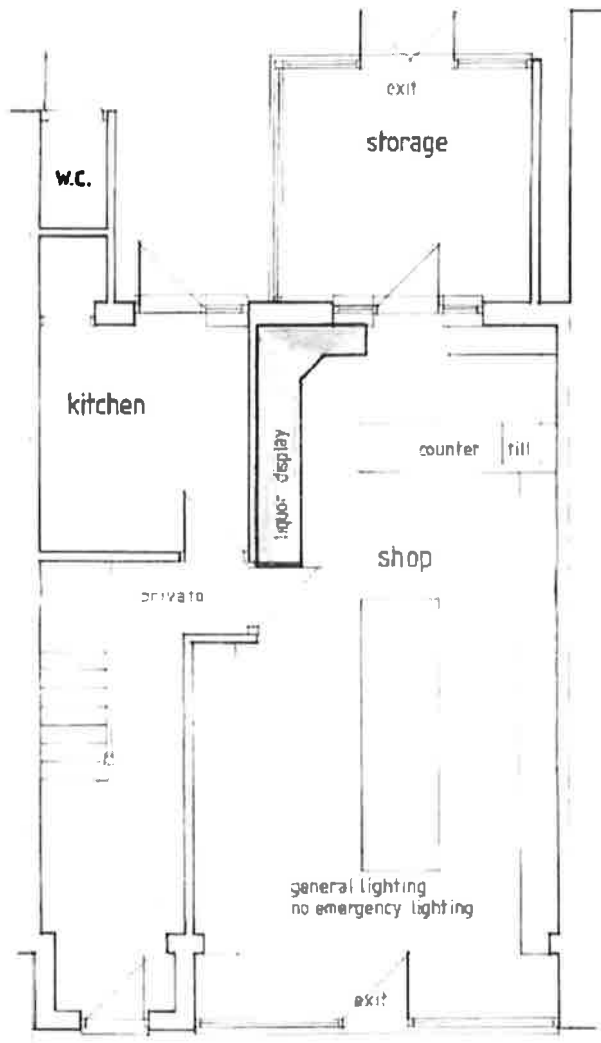
Annex 3 – Conditions attached after a hearing by the Licensing Authority

No Hearing

4 of 5

Annex 4 – Plans

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





Part B

Premises licence summary

Premises licence number

002077

Premises details

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

McIntosh Road Post Office
19 McIntosh Road, Romford RM1 4JU

Where the licence is time limited the dates

N/A

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
Christmas Day 12.00 to 15.00 and 19.00 to 22:30
Good Friday 08.00 to 22.30

The opening hours of the premises

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

Off Supply Only

Name, (registered) address of holder of premises licence

Mr Janak Patel and Mrs Vinodbala Patel
19 McIntosh Road, Romford RM1 4JU

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

N/A

1 of 2

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

Mr Janak Patel

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

N/A

2 of 2



Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Refusals Register from inspection on 11 August 2015

I identify this item as Exhibit Number:

AGH/2

Signature(s)

Janak Patel *[Signature]*

Court Exhibit Number:



Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Inspection letter dated the 11 August 2015

I identify this item as Exhibit Number:

AGH/3

Signature(s)

Court Exhibit Number:



Mr & Mrs Janak & Vinodbala Patel
19 Mcintosh Road
Romford
RM1 4JU

☎ 01708 433585
✉ arthur.hunt@havering.gov.uk
text relay 18001 01708 432777
Date 11 August 2015

www.havering.gov.uk

My Reference: AGH//SR 032297

Dear Mr & Mrs Patel

Mcintosh Road Post Office, 19 Mcintosh Road, Romford, RM1 4JU

In relation to the visit I made to the above premises on 10 August 2015 the following items need to be addressed :-

- **Section 57(3) Licensing Act 2003 states:-**
The holder of the premises licence must secure that—
(a) the summary of the licence or a certified copy of that summary, and
(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),
are prominently displayed at the premises.

The Part B (summary) of the licence was not on display as required by the Licensing Act. However, you were able to produce the Part B at the time of inspection.

- **Annex 2 Condition - A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 and 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 will be readily available for inspection by an Authorised Person throughout the trading hours of the premise.**

You admitted that you have not maintained a premises daily register.

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- **Annex 2 Condition - All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.**

You admitted that you have not conducted any training and you have no training records.

- **A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.**
- **The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;**
 - Site plan showing position of cameras and their field of view.**
 - Code of Practice.**
 - Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position**
 - Operational requirement.**
 - Incident log.**
 - Maintenance records including weekly visual checks.**
- **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.**
- **The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.**
- **The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**
- **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.**

There are a total of 6 conditions in your licence that deal with CCTV. You admitted that you do not have any CCTV.

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- **Annex 2 Condition - A written Refusals record shall be maintained in which details of all refusals of service including for underage shall be recorded. The record shall be produced to police or authorised officers on request.** You produced a document that had one refusal and this was dated 2007. As I stated, it is incomprehensible that you have not had any refusals since that date. Either you have made refusals and not noted them down or you have failed to conduct the correct checks in order to make further refusals.

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

- Premises Licence
- Part "B" of the licence correctly displayed
- Records that need to be kept in accordance with the Premises Licence
- Designated Premises Supervisors Personal Licence

This is my summary of the licensing inspection undertaken at your premises on 10 August 2015 for your reference. As you can see, it appears that nine conditions are in breach and a breach of the Licensing Act 2003. The provision of licensable activity is dependent upon full compliance with all premises licence conditions. The conditions in annex 2 of a premises licence are voluntary conditions, i.e. they are conditions the premises licence holder offered to support the authority to provide licensable activity, rather than conditions the Licensing Authority imposed upon the holder.

An application for a premises licence is granted on the understanding that the holder may, for example, sell alcohol only if the holder complies with all the offers made in the application. As such it is very important that a premises licence holder complies with all the conditions he or she has volunteered. We can see here that you appear not to be complying with at least five conditions on your premises licence.

A premises licence in breach ceases to authorise the provision of licensable activity at the premises and effectively renders the premises unlicensed. Providing licensable activity from an unlicensed premises will likely lead to criminal offences being committed contrary to s.136 of this Act. Therefore it is important that all conditions on a premises licence are in compliance as these conditions form the basis of your authority to provide licensable activity at the premises.

Please can you address the issues I have detailed above for your reference and contact me within 21 days of receipt of this letter in order that I may conduct a follow up inspection to confirm compliance. I hope to receive your response, therefore, by 1 September 2015.

Yours faithfully

Arthur Hunt
Licensing Officer

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Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Inspection letter dated the 3 September 2015

I identify this item as Exhibit Number:

AGH/4

Signature(s)

Court Exhibit Number:



Havering
LONDON BOROUGH

Public Protection

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

Mr & Mrs Janak & Vinodbala Patel
19 McIntosh Road
Romford
RM1 4JU

t 01708 433585
e arthur.hunt@havering.gov.uk
text relay 18001 01708 432777
Date 3 September 2015

www.havering.gov.uk

My Reference: AGH//SR 032297

Dear Mr & Mrs Patel

McIntosh Road Post Office, 19 McIntosh Road, Romford, RM1 4JU

In relation to the visit I made to the above premises on 2 September 2015 the following items need to be addressed :-

- **Section 57(3) Licensing Act 2003 states:-**
The holder of the premises licence must secure that—
(a) the summary of the licence or a certified copy of that summary, and
(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),
are prominently displayed at the premises.

The Part B (summary) of the licence was once again not on display as required by the Licensing Act. Again you were able to produce the Part B at the time of inspection. This needs to be on display to the public.

- **Annex 2 Condition - All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.**

You were unable to produce any training records.

- **A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.**

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- **The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;**
Site plan showing position of cameras and their field of view.
Code of Practice.
Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
Operational requirement.
Incident log.
Maintenance records including weekly visual checks.
- **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.**
- **The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.**
- **The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**
- **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.**

There are a total of 6 conditions in your licence that deal with CCTV. You have still not dealt with these conditions. There is no CCTV at your premises

This is my summary of the licensing inspection undertaken at your premises on 2 September 2015 for your reference. As you can see little has change from when I visited on the 10 August 2015. It appears that seven conditions are still in breach and a breach of the Licensing Act 2003. As you can see, the premises licence remains in breach more than three weeks after these licence breaches were originally identified. Please ensure that you take all reasonable steps to resolve these issues at the earliest possible opportunity.

As I stated previously the provision of licensable activity is dependent upon full compliance with all premises licence conditions. We can see here that you appear not to be complying with at least seven conditions on your premises licence.

A premises licence in breach ceases to authorise the provision of licensable activity at the premises and effectively renders the premises unlicensed. Providing licensable activity from an unlicensed premises will likely lead to criminal offences

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being committed contrary to s.136 of this Act. Therefore it is important that all conditions on a premises licence are in compliance as these conditions form the basis of your authority to provide licensable activity at the premises.

Please can you address the issues I have detailed above for your reference and contact me within 14 days of receipt of this letter in order that I may conduct a follow up inspection to confirm compliance. I hope to receive your response, therefore, by 17 September 2015.

Yours faithfully

Arthur Hunt
Licensing Officer

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Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Inspection letter dated the 29 September 2015

I identify this item as Exhibit Number:

AGH/5

Signature(s)

AGH *HP*

Court Exhibit Number:



Mr & Mrs Janak & Vinodbala Patel
19 McIntosh Road
Romford
RM1 4JU

My Reference: AGH//SR 032297

Dear Mr & Mrs Patel

McIntosh Road Post Office, 19 McIntosh Road, Romford, RM1 4JU

In relation to the visit I made to the above premises on 28 September 2015 the following items need to be addressed :-

- **The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;**
Site plan showing position of cameras and their field of view.
Code of Practice.
Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
Operational requirement.
Incident log.
Maintenance records including weekly visual checks.
Mr Patel was not able to demonstrate that the "system file" existed.
- **The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**
Mr Patel informed me that he was waiting for a plan to be delivered by the installation engineer.
- **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.**
It was clear that Mr Patel does not know how to operate the system. I requested that he showed me footage from 14:00 on the 27 September and he was unable to comply. He spent about 10 minutes flicking between menus on the system without success. I advised him to get the engineer to return to either train him on the system or supply a manual.

This is my summary of the licensing inspection undertaken at your premises on 28 September 2015 for your reference. I accept that a new CCTV system has been installed at the premises but it appears that three conditions on the premises licence are still in breach. Please ensure that you take all reasonable steps to resolve these issues at the earliest possible opportunity.

As I stated previously the provision of licensable activity is dependent upon full compliance with all premises licence conditions. We can see here that you appear not to be complying with at least three conditions on your premises licence.

A premises licence in breach ceases to authorise the provision of licensable activity at the premises and effectively renders the premises unlicensed. Providing licensable activity from an unlicensed premises will likely lead to criminal offences being committed contrary to s.136 of this Act. Therefore it is important that all conditions on a premises licence are in compliance as these conditions form the basis of your authority to provide licensable activity at the premises.

Please can you address the issues I have detailed above for your reference and contact me within 21 days of receipt of this letter in order that I may conduct another follow up inspection to confirm compliance. I hope to receive your response, therefore, by 21 October 2015.

Yours faithfully

Arthur Hunt
Licensing Officer



Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Front of new Refusals Register

I identify this item as Exhibit Number:

AGH/6

Signature(s)

Janak Patel *[Signature]*

Court Exhibit Number:

Challenge 25

Refusals and incident book
for age restricted goods

Premises name.....

Mr Intosh Moss

21st Stn 1015



Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

New Refusals Register

I identify this item as Exhibit Number:

AGH/7

Signature(s)

Janak Patel *[Signature]*

Court Exhibit Number:

It must be completed **everytime** you refuse to sell an age restricted product.
 This form must be kept on the business premises at all times.

(Please Note: Refusal form is valid as of 31/03/2011) This list is not a comprehensive list of all age restricted products and should be used as a guide.
 There may be other standards/banning goods with any further enquiries.

Date/Time Description of young person What did the young person ask for? Comments/Detail of incident Name/Signature

17/01/11 During day, person that asked for alcohol type sign

18/01/11 2 young girls with shopping bags who's mother said she had searched their bags for alcohol

alcohol
 cigarettes

standing in line waiting for food as I should be working

17/01/11
 18/01/11
 19/01/11
 20/01/11

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Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Inspection Letter dated the 18 November 2015

I identify this item as Exhibit Number:

AGH/8

Signature(s)

Janak Patel *Havering*

Court Exhibit Number:



Havering
LONDON BOROUGH

Public Protection

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

t 01708 433585

e arthur.hunt@havering.gov.uk

text relay 18001 01708 432777

Date 18 November 2015

www.havering.gov.uk

Mr & Mrs Janak & Vinodbala Patel
19 McIntosh Road
Romford
RM1 4JU

My Reference: AGH//SR 032297

Dear Mr & Mrs Patel

McIntosh News, 19 McIntosh Road, Romford, RM1 4JU

In relation to the visit I made to the above premises on 17 November 2015 the following items need to be addressed :-

- **The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;**
Site plan showing position of cameras and their field of view.
Code of Practice.
Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
Operational requirement.
Incident log.
Maintenance records including weekly visual checks.
Mrs Patel did not appear to be conversant with the computer system attached to the CCTV.
- **The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**
Mrs Patel was unsure whether the engineer had returned, as advised in my letter of 29 September 2015. She did not know whether

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- **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.**

It was evident that Mrs Patel was not fully conversant with the CCTV system. She stated that she could fast forward and reverse but little else. I asked her whether she could show me images from the 16 November and she stated that she could not.

This is my summary of the licensing inspection undertaken at your premises on 17 November 2015 for your reference. I requested in my last visit that the issues with the CCTV system should be resolved in order to make them compliant with their premises licence.

As I stated previously, on more than one occasion, the provision of licensable activity is dependent upon full compliance with all premises licence conditions. We can see here that you appear not to be complying with at least three conditions on your premises licence.

A premises licence in breach ceases to authorise the provision of licensable activity at the premises and effectively renders the premises unlicensed. Providing licensable activity from an unlicensed premises will likely lead to criminal offences being committed contrary to s.136 of this Act. Therefore it is important that all conditions on a premises licence are in compliance as these conditions form the basis of your authority to provide licensable activity at the premises.

I have asked in both of my previous inspection letters that you contact me when the matters have been resolved. On each occasion you have failed to do so and I have had to make further unannounced visits. I ask that you address the issues I have detailed above for your reference and contact me within 21 days of receipt of this letter in order that I may conduct another follow up inspection to confirm compliance. I hope to receive your response, therefore, by 10 December 2015.

Yours faithfully

Arthur Hunt
Licensing Officer

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Havering
LONDON BOROUGH

Name of Defendant:

Janak Patel

Description of Exhibit:

Havering Personal Licence No 001838

I identify this item as Exhibit Number:

AGH/9

Signature(s)

Janak Patel *Havering*

Court Exhibit Number:



LICENSING ACT 2003 PERSONAL LICENCE

Licence No: 001838

This licence authorises the holder to sell alcohol in accordance with the Licensing Act 2003.

The London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex RM1 3SL ("the Licensing Authority") **hereby licenses:**

Mr Janak Patel

of

**19 McIntosh Road
Romford
RM1 4JU**

to make or authorise the supply of alcohol in accordance with Section 111 of the Licensing Act 2003.

This licence is valid for the period of 10 years expiring on **21/11/2015**.

This licence is issued subject to any right of the Licensing Authority to revoke, suspend or vary this Licence on any of the grounds specified in the relevant legislation.

Signed:

Date:

Licensing Officer
(For Head of Housing, Health and Community Care)

RECORD OF CONVICTIONS

Relevant Offence

Date of Conviction	Court	Date of Offence	Offence	Sentence

Foreign Offence

Date of Conviction	Court	Date of Offence	Offence	Sentence

Notes of The McIntosh Off Licence Pre-Review Meeting : 21/9/2015 @ 12pm**Present :**

Licensee : Mr Janak PATEL

LA Havering : Josile Munro, Senior Trading Standards Officer, Ann Bowes, Trading Standards Officer and Arthur Hunt, Licensing Officer

MPS : Licensing PC Belinda GOODWIN

Introduction :

Everyone introduced themselves and the circumstances of the sales was set out.; On 4th August 2015 at about 12:30pm Mr Janak Patel (licensee of McIntosh New) had sold a bottle of Echo Falls Rose Wine to a child of 15 years. He did not ask his age. On the day he was unable to locate the refusals book and he did not have a training recorded as his conditions required.

The licensing team advised him that he still had not set up the CCTV as his conditions required despite a number of follow-up visits

On the day of the sale he did not have his alcohol license displayed as required but although on a follow-up visit it was displayed.

Response

He admitted that it was a mistake to sale and blamed it on the workload and hours he had to do that day as he had to cover for a newspaper boy who had not turned up that day.

He brought in as requested his refusals book however it did not have any recent entries in it from 2015. There was no training record available. This demonstrated that he was not following the conditions as he had agreed to previously.

Action Plan/Follow-up

It was clear that the conditions he had previously agreed had not been implemented and Mr Patel was unable to say why or convince us that he would do so and maintain them in the future.

We discussed with him what the next options were as we advised him that he had not implemented/followed his licence conditions as he had previously agreed to do. Furthermore we informed him that based on his current performance we were not convinced that he would cope with following and maintaining the conditions. He was therefore asked him if he would surrender the licence alternatively we would go for a review of the licence with a request for the removal of the licence.

He did not want to surrender the licence as he was adamant that he was going to sell the shop and wanted to sell it as a going concern with the licence included. He said the sale would be very soon and so did not want us to apply for removal of the licence. As the property at 19 McIntosh Road included a residence we asked where he would live and he said that he had a home nearby which he would move to. We decided to give him the benefit of the doubt that he would be selling the shop. If this appeared not to be the case we advised him that we would make an application for the review of the licence with the aim of the removal of the licence.

It was agreed that he would send in evidence that the shop was being put up for sale and then notification of the sale.



Josile Munro 21/9/2015



Havering
LONDON BOROUGH

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

MacIntosh News 19 MacIntosh Road Romford RM1 4JU

Notice is hereby given that an application has been made to the Licensing Authority of the London Borough of Havering by Havering's Trading Standards Service for a review of the above detailed premises licence.

GROUNDINGS FOR REVIEW

Under age alcohol sales have been made at the premises on three occasions since 2007. These sales have been made by personal licence holders.

Any interested person or responsible authority wishing to make representation on this matter must do so in writing to: Licensing Authority c/o Town Hall Romford RM1 3BD between 15th March 2016 & 11th April 2016.

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).



Premises licence number

002077

Part 1 - Premises details

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

McIntosh Road Post Office
19 McIntosh Road, Romford RM1 4JU

Where the licence is time limited the dates

N/A

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
Christmas Day 12.00 to 15.00 and 19.00 to 22:30
Good Friday 08.00 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 Supply Only

Part 2

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

Mr Janak Patel and Mrs Vinodbala Patel
19 McIntosh Road, Romford RM1 4JU
01708 763287

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

N/A

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

Mr Janak Patel

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

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

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

A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 and 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 will be readily available for inspection by an Authorised Person throughout the trading hours of the premise.

2 of 5

All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

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.

A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as ‘identification standard’ of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a ‘System File’ which should be readily available for inspection by the relevant authority;

- Site plan showing position of cameras and their field of view.
- Code of Practice.
- Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
- Operational requirement.
- Incident log.
- Maintenance records including weekly visual checks.

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.

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

The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the ‘System File’. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

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.

3 of 5

A written Refusals record shall be maintained in which details of all refusals of service including for underage shall be recorded. The record shall be produced to police or authorised officers on request.

Signs stating that it is an offence to buy or attempt to buy alcohol if under 18 years or to buy or attempt to buy alcohol for a person under 18 shall be clearly displayed by the front door and at the point of sale

Embedded conditions relevant to this licence

Alcohol shall not be sold or supplied except during permitted hours.

Subject to the following exceptions no person shall, except during the permitted hours listed above, sell or supply alcohol or take alcohol from the premises. The exceptions are

- i. During the first 20 minutes after the above hours the taking of the alcohol from the premises, provided it is not taken in an open container.**
- 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.**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

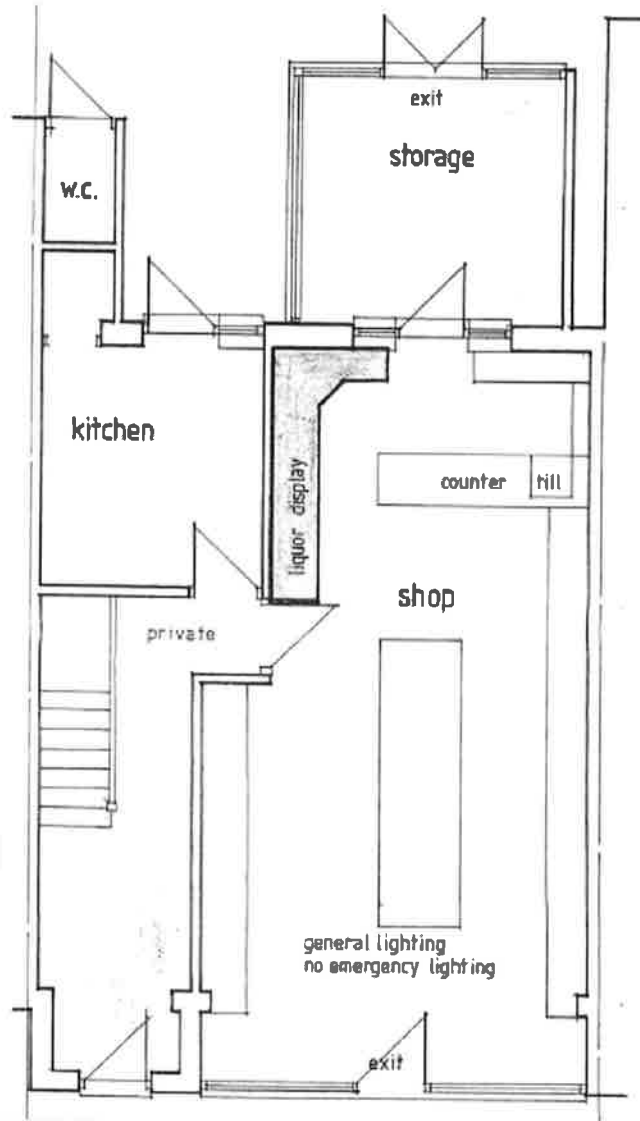
Annex 3 – Conditions attached after a hearing by the Licensing Authority

No Hearing

4 of 5

Annex 4 – Plans

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





Part B

Premises licence summary

Premises licence number

002077

Premises details

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

McIntosh Road Post Office
19 McIntosh Road, Romford RM1 4JU

Where the licence is time limited the dates

N/A

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
Christmas Day 12.00 to 15.00 and 19.00 to 22:30
Good Friday 08.00 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 Supply Only

Name, (registered) address of holder of premises licence

Mr Janak Patel and Mrs Vinodbala Patel
19 McIntosh Road, Romford RM1 4JU

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

N/A

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

Mr Janak Patel

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


N/A


2 of 2


COPY



McIntosh News 19 McIntosh Road Romford RM1 4JU N
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Scale: 1:1000
Date: 17 March 2016
Size: A4




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

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 Ordnance Survey 100024327

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence review application for the premises as detailed below.

Premises name and address: McIntosh News 19 McIntosh Road Romford RM1 4JU

Your Name: PC Belinda Goodwin

Organisation name/name of body you represent: Metropolitan Police Service

Your Address: Romford Police Station 19 Main Road Romford RM1 1BJ

Email: Belinda.goodwin@met.pnn.police.uk

Contact telephone number: 01708 432781

Policy considerations

This representation relates to McIntosh News which is a small independent business situated in a residential street at the junction of McIntosh Road and Marshalls Drive. The designated premises supervisor is Mr Janak Patel. Mr Patel is also the joint premises licence holder with his wife Mrs Vinodbala Patel. Mr and Mrs Patel run the business together and there are no other staff members employed.

Although this premises is not situated in the cumulative impact zone within Romford's town centre it sits just outside; it is, however, the only licensed premises within this particular vicinity and there are also two schools nearby. St Peter's Primary School is on Dorset Avenue, located directly off McIntosh Road, and Marshall's Park Secondary School is located on Pettits Lane at its junction with Marshalls Drive. Marshalls Drive therefore provides a direct and singular route to McIntosh News.

Representation

Police have issued Mrs Patel with a penalty notice order on two previous occasions for the sale of alcohol to a person under the age of 18 years. Mr Patel made a sale of alcohol to a person under the age of 18 on 4th August 2015.

Police were in attendance when Mr Patel was asked to come into Mercury House for an interview which was held on 21st September 2015. Mr Patel admitted to the sale of alcohol to a child. He stated that he had a big work load and that he was not concentrating when the underage alcohol sale was made. Other issues of concern were identified within this meeting further to the due diligence of Mr Patel: there was still no CCTV system in place at the venue and, despite many follow up visits, on the day of the sale the premises licence was not on display in the premises and no training records were available. These are clear breaches of the licence.

Mr Patel was asked if he wanted to continue to sell alcohol at the premises as it appeared during an inspection that there was little alcohol stock within the premises. Mr Patel was asked how much alcohol he sold. He stated that although he did not sell much he did not want to give up the licence as he was trying to sell the premises as a going concern. Police subsequently advised Mr Patel that if he wanted to continue to sell alcohol he must

comply with all the conditions on his premises licence. Mr Patel was unable to state why he was not implementing the conditions on the licence to this point. Mr Patel was then asked to send evidence that the premises was on the market for sale. To date it is Police understanding that no such evidence has been provided.

Police have no confidence in Mr or Mrs Patel with regard to promoting the licensing objective that refers to **the protection of children from harm**. Mr Patel has not demonstrated to Police satisfaction that he is not going to sell alcohol in the future to children. The proximity of schools to McIntosh News presents a clear risk to **the protection of children from harm** and causes great concern to Police.

Mr Patel was given the opportunity to surrender his licence but he was adamant that he did not want to do this. Police have no choice but to make representation against the continuation of this premises licence authorising the sale of alcohol based upon our concerns further to **the protection of children from harm**.

Complaint and inspection history

The first complaint was received in 2007 when Mrs Patel sold alcohol to a person under the age of 18 years. Mrs Patel received a penalty notice order as a result. Mrs Patel was also sent a warning letter from Havering's Trading Standards Service.

The second complaint was received in 2011 when Mrs Patel again sold alcohol to a person under the age of 18 years. Mrs Patel received another penalty notice order. Mr Patel was asked to attend a meeting with Trading Standards and Police. The outcome of this meeting was that the following action plan was agreed by Mr Patel:

- Installation of a CCTV system
- A personal licence holder must be on the premises at all times
- Proof of age checks to be made
- Adopt 'Challenge 25' policy
- To record all alcohol refusals in a refusals register
- To remind customers they suspect of buying alcohol for anyone underage that it is an offence to do so

One condition was recommended that Mrs Patel should NOT be allowed to sell alcohol from the premises. This was rejected by Mr Patel who stated that Mrs Patel would enrol in a refresher training course.

On 4th August 2015 Mr Patel made a sale of alcohol to a person under the age of 18 years.

On 10th August 2015 a local authority licensing officer attended the premises and found a total of nine conditions on the licence which were being breached.

On 21st September 2015 a meeting was held with Mr Patel at Mercury House to discuss the sale on 4th August 2015. Again breaches were pointed out due to the refusals book that he brought to the meeting that did not have entries in it from 2015 and there were still no training records available. Mr Patel was asked in the meeting to surrender his licence as he was selling the property. No action plan was given at this time we just asked for proof that the premise was up for sale, to Police knowledge Mr Patel is still the owner of the premises.

Other documents attached

None

Signed *Belinda Goodwin*

dated 08/04/2016

