



Havering
LONDON BOROUGH

Licensing Officer's Report



Havering
LONDON BOROUGH

LICENSING SUB-COMMITTEE

REPORT

Date: 20 June 2016

Subject heading:

**Shels Food and Wine
3-4 Writtle Walk, Rainham, RM13 7XB
Type of application
Arthur Hunt, Licensing Officer
5th floor Mercury House
x 3585**

Report author and contact details:

This application to review a premises licence is made by Sasha Taylor, Trading Standards Specialist under section 51 of the Licensing Act 2003 (the Act). The application was received by Havering's Licensing Authority on 29 April 2016.

Geographical description of the area and description of the building

The premise is situated on a public walk way between Rainham Road and Ongar Way, Rainham. The premises recently extended from No. 3 into No. 4. Above the premises are residential units. There are two other retail units next door. Other than that the nearest shops are at Cherry Tree Lane at the junction with Rainham Road.

A map of the area is attached.

Details of the application

Trading Standards have submitted an application to review the premises licence after there had been two underage sales in a two month period.

The application was submitted in accordance with the provisions of s.51 of the Act. The grounds for the review are that the premises' management has a lack of regard towards the promotion of the licensing objectives which in turn has led to a failure to promote them. Additionally it is alleged that errors and breaches of the licence conditions exist while violence on site has occurred.

Requirements upon the Licensing Authority

The provisions of s.51 of the Act dictate that the Licensing Authority undertake 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.

Licensing Sub-Committee, 20 June 2016

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 received from interested persons.

There was three representation made by responsible authorities supporting this application, namely Havering's Licensing Authority, Havering's Children and Young People Services and the Metropolitan Police.

Responsible authorities' representations

Valid representations may only address the following licensing objectives:

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

Responsible authorities' representations

Mr Paul Campbell, Licensing Specialist for Havering, has submitted a representation supporting the application based on the prevention of harm to children licensing objective.

Alice Peatling of Havering Children and Young People Services also supports the application based on the same concerns.

PC Belinda Goodwin, representing the Metropolitan Police, also supports the application under the prevention of harm to children licensing objective.

Arthur Hunt
Licensing Officer
London Borough of Havering



Premises licence number

002288

Part 1 – Premises details

Postal address of premises

**Shels Food & Wine
3-4 Writtle Walk Rainham RM13 7XB**

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 22:00
Sunday – 09:00 to 22:00**

The opening hours of the premises

**Monday to Saturday – 07:00 to 23:00
Sunday – 08:00 to 22:00**

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

Off supplies only

Part 2

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

**Mr Niranjan Arumugam
20 Clarissa Close, Chadwell Heath, RM6 4ND
07957 723670 – aranjancom@yahoo.com**

Registered number of holder

N/A

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

Mr Niranjan Arumugam

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 must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either—
 - (a) A holographic mark, or
 - (b) An ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at:-
<http://www.legislation.gov.uk/ukdsi/2014/9780111109120>

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. Challenge 25 – 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 license or passport.
3. Refusals Log – All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

4. **Daily Record/Incident Log – 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.

5. **The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises.**
6. **Staff Training – All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme on going and under constant review at least every 3 months and must be made available to a relevant responsible authority when called upon.**
7. **CCTV – 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. To obtain a clear head and shoulders image of every person entering the premises on the CCTV**
8. **The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premise is open for any licensable activity.**
9. **A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested. Recordings shall be made available to an authorized person of the Licensing Authority or Havering Police together with facilities for viewing.**

10 Till prompt System – The till prompt system will record which member of staff is operating the till at the time of sale/refusal.

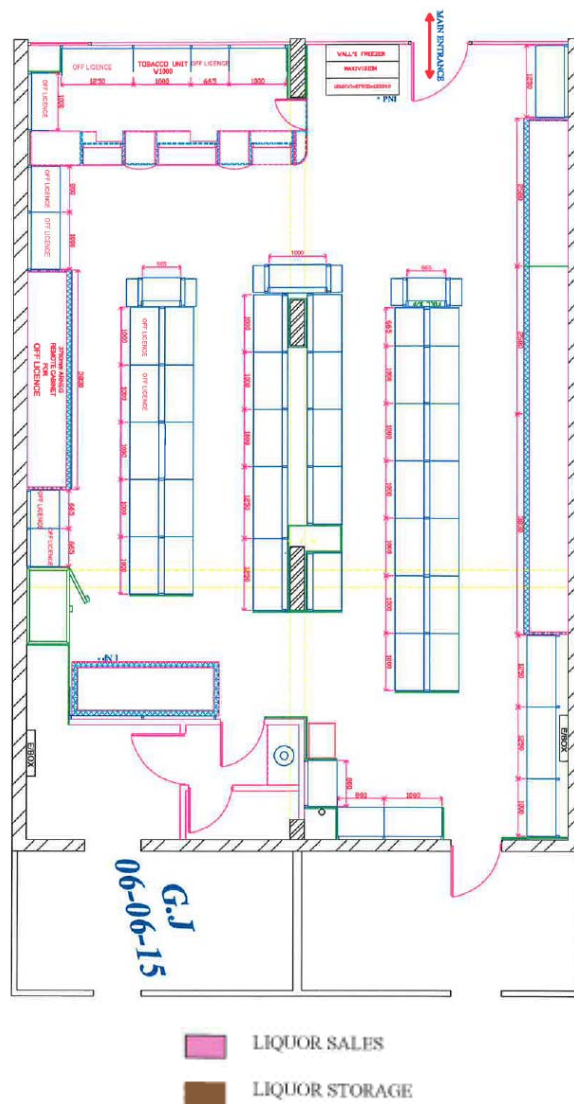
Each member of staff will have a separate identification code.

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

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:





Havering

LONDON BOROUGH

Part B

Premises licence summary

Premises licence number

002288

Premises details

Postal address of premises

**Shels Food & Wine
3 Writtle Walk Rainham RM13 7XB**

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 22:00
Sunday – 09:00 to 22:00**

The opening hours of the premises

**Monday to Saturday – 07:00 to 23:00
Sunday – 08:00 to 22:00**

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

Off supplies only

Name, (registered) address of holder of premises licence

**Mr Niranjan Arumugam
20 Clarissa Close, Chadwell Heath, RM6 4ND**

Registered number of holder

N/A

Licensing Sub-Committee, 20 June 2016

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

Mr Niranjan Arumugam

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

N/A



Haverling
LONDON BOROUGH

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

Shel's Food & Wine 3-4 Writtle Walk Rainham RM13 7XB

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

GROUND'S FOR REVIEW

The premises failed two recent underage alcohol test purchases in just over two months.

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 Main Road Romford RM1 3BD between 30th April 2016 & 27th May 2016.

The public register of Haverling'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.haverling.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 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	
Shels Food & Wine 3-4 Writtle Walk	
Post town Rainham	Post code (if known) RM13 7XB

Name of premises licence holder or club holding club premises certificate (if known) Mr Niranjan Arumugam

Number of premises licence or club premises certificate (if known) 02288
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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 Sasha Taylor, Trading Standards Specialist 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.

Shels Food & Wine in Writtle Walk, Rainham has sold alcohol to underage volunteers on two seperate occasions in just over two months, the latest sale occurring on 30th October 2015 was by a minor.

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

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

Shels Food & Wine is an off licence/grocers trading from 3-4 Writtle Walk Rainham, RM13 7BX. The shop is situated in a small parade of shops that are positioned in the middle of a housing estate.

Mr Niranjan Arumugam took over the business on 23rd February 2015. Mr Arumugam is the holder of the premises licence and Designated Premises Supervisor.

On 26th May 2015 information was received alleging that students under the age of 16 were buying e-cigarettes from 3-4 Writtle Walk. The police were concerned that age restricted products may also be being sold to underage children.

On 4th August 2015 the premise was visited as part of an underage sales test purchase operation. The test purchase was made by a 15 year old female volunteer. The seller asked the volunteer her age, to which the volunteer replied 15. The seller said that she could have it on this occasion. The volunteer was sold a 700ml bottle of WKD Vegas 5% alcohol volume. The seller was Mr Thavarasalingam Thauaseelan. He was issued with Fixed Penalty Notice at the time of the sale. The DPS, Niranjan Arumugam, arrived shortly afterwards and stated that the till had an automatic prompt on it and logs the refusals. When tested the till prompt did not work. Mr Arumugam went off for a short time and when he came back the till prompts were working. (see APP A)

On 24th August 2015 the DPS and owner of the business Mr Arumugam attended a meeting with trading standards, police licensing and licensing there were a number of issues discussed. (see APP C) for suggested wording for the conditions.

On 25th August 2015 Licensing received an email from Mr Arumugan agreeing the changes and conditions were added to the licence by way of variation.

On 29th September 2015 the premises was visited as part of an underage sales survey and a sale was refused.

On 30th October 2015 the premise was revisited and a bottle of Echo Falls wine 11.5% alcohol volume was sold to a 17 year old female volunteer. The alcohol was sold by Matahusan Nagalingam who was aged 16. There was an adult on the premise but he did not authorise the sale of alcohol, he was busy doing something else. The DPS Mr Arumugam Niranjan subsequently arrived at the premises. Blunts were also found on display for, which the business had been advised on before. The blunts were removed from display. (see App B)

On 13th November 2015 at 14:36 officers from the service visited 3-4 Writtle Walk to do an inspection the person behind the counter who was left in charge of the premises was not a personal licence holder. He gave his name as Mr K Santharooban, he informed officers that the DPS Mr Arumugan had left at 11:00. He had been serving behind the counter and was left in charge of the shop. There was no challenge posters displayed, no written refusal book was on the premise but the DPS confirmed over the telephone that they used electronic till refusal. A challenge 25 trader information pack was left with Mr Santharooban.

The Trading Standards service is concerned that on two occasions within a short period, the business has demonstrated an inability to prevent underage sales, despite our engagement with them.

I believe that the Designated Premise Supervisor has employed a representative from Dadds solicitors to train staff members in January 2016, however the Trading Standards service has still lost confidence in the management of this business.

During the first sale in August 2015 the seller was told that the purchaser of alcohol was 15 years old but sold anyway. The second sale in October 2015 was made by a minor which is a serious aggravating factor in this case. Therefore, this service believes that the failures are sufficiently serious that revocation of the licence should be considered.

It is felt that all conditions are appropriate, however we would welcome any further conditions that would help prevent any future underage sales at the premises and we would ask the licensing sub committee to consider suspension of the licence whilst the systems and procedures are brought up to an acceptable standard.

In this review I have included the following supporting documents.

Appendice A Statement from Officer Ann Bowes

Appendice B Statement from Officer Joy Afoke

Appendice C notes sent to Mr Arumugan

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

1							
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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

29/04/16

Capacity

Trading standard specialist.

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.

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.

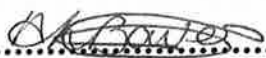
Dated the 10th day of March 2016


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 2003. On the 4th August 2015 I was lead officer for an underage sales operation. On this day I was accompanied by Josile Munro and Michelle Hammond of Havering Trading Standards and PC Belinda Goodwin of the Metropolitan Police Licensing Division for Havering. The volunteer we were using was a female volunteer. Her date of birth is 27th December 1999. Prior to the start of the operation the volunteer was weighed and measured. She weighed 61kg and 5foot 8 inches in height. The exercise involved the test purchase of alcohol and cigarettes at 6 premises. I went into the premise Nisa at 3 Writtle Walk, Rainham RM13 7XB. I walked round the shop looking at various items waiting for the volunteer to enter the premises. The volunteer picked up a bottle of WKD Vegas and went to the counter to pay. I stood behind her at the till point while she attempted to make her purchase. The gentleman behind the counter asked the volunteers age to which she answered 15. The gentleman behind the counter said that I will sell it to you this time and proceeded to sell the

Signed :.....

item. The volunteer left the premises and I made my purchase. I returned to the premises accompanied by Josile Munro and PC Belinda Goodwin. I now know the name of the seller to be Mr Thavaraslingam Thavaseelan, his date of birth is 29/07/70 and his home address is 369 Burges Road E6 2ET. The DPS was not present at the time of the sale however after a phone call was made to him he arrived at the premise. I now know the DPS to be Mr Niranjan Arumugam. He informed me that he had prompts on his till when an underage product was scanned. I went behind the counter with the DPS so he could show me how they work. I picked up a bottle of spirits form behind the counter but no prompt was working. The DPS went out the back for some time and when he returned he showed me the age related prompt on the till and it worked this time. PC Belinda Goodwin issued the seller with a fixed penalty notice and we left the premises. The underage sales operation involved 6 premises and the volunteer was to try and purchase a selection of cigarettes and alcohol. On this day 2 premises made a positive sale. On the 24th August 2015 I accompanied Josile Munro at a pre review meeting with Mr Niranjan Arumugam. The purpose of the meeting was to discuss how the underage sale occurred and what actions he has put into place to prevent this from happening again. On the 30th October 2015 I was part of an underage sales test purchase operation. Also present on this day was Sasha Taylor, Joy Afoke and PC Belinda Goodwin. On this day we had 2 female volunteers. Both volunteers were weighed and measured at our officers in Hornchurch. Volunteer 1 on this day was 5 foot 6 inches and weighed 8 stone, her birthday is 16/07/99. Volunteer 2 was 5 foot 3 inches and weighed 6 stone, her birthday is 21/06/98. On this day we visited 5 premises and the volunteers were to purchase a combination of fireworks and alcohol. Out of the 5 premises a positive test purchase was made at Nisa 3 Writtel Walk, Rainham RM13 7XB. The volunteer purchased a bottle of Echo Falls and the sale was witnessed by Joy Afoke. Following the sale I returned to the premises with Joy Afoke and PC Belinda Goodwin. Joy Afoke identified the young man in the premises to be the seller. I now this person to be Matahusan Nagalingam. His date of birth is 24/09/99 which makes him 16 years of age. His home address is 80a Malvern road RM11 1BQ. The DPS Mr Niranjan Arumugam arrived at the premises shortly

Signed : 

after the sale was made, and informed us that Matahusan Nagalingam was not authorised behind the counter and to make any sales. He was instructed to inform the other member of staff present on the day. Mr Niranjan Arumugam informed me that he had allocated each member of staff a user identification on the till so he could monitor the refusals that were being made by each member of staff. He printed me off a copy of the refusal log. I checked the till prompts to check they were working correctly and they were on this day. As the seller was too young to receive a fixed penalty notice PC Belinda Goodwin did not issue one. We all then left the premises. 

Signed : 

LONDON BOROUGH OF HAVERING

Statement of witness

(Criminal Procedure Rules (2015) pt16: Criminal Justice Act 1967, s9: Magistrates' Courts Act 1980, s5B)

Statement of: JOY AFOKE

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

Occupation of Witness: TRADING STANDARD 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 14TH day of MARCH 2016

Signed: 

I am Joy Afoke and I am employed as a Trading Standards Officer for the London Borough of Havering Trading Standards Service. I have been employed in this position since January 2007. On the 30th of October 2015, I accompanied my colleagues Sasha Taylor Specialist Trading Officer and Ann Bowes, Trading Standards Officer, to an underage sales operation. One of the shops visited on the day was a Nisa Local shop which I now know to be called Shels Food and Wine, located at 3-4 Writtle Walk, Rainham RM13 7XB. I witnessed the volunteer purchase a bottle of Echo Falls wine, she was not asked for identification. Ann Bowes, PC Belinda Goodwin and I went back to the store after the sale had taken place. The Designated Premises Supervisor, Mr Arunmugan Niranjana was not present. so Ann Bowes waited for him to arrive. I established that the two men present during the sale were Mr Santharooab Kanapathapallai and Mr Mathussan Nagalingam. The Seller was Mr Mathussan Nagalingam who was 16years old. PC Goodwin was unable to issue a fixed penalty notice. On the 25th of January 2016, with assistance from Ann Bowes, I carried out a PACE interview with Mr Arunmugan Niranjana, his Solicitor Natasha Nunn of Dadds Solicitors was present. The interview was to discuss the offence of persistently selling alcohol to under age persons. Mr Niranjana stated that the adult present on the day of the sale, Mr Kanapathallai had been sacked. He stated that the seller was only helping out as a family member and he was not a member of staff and he no longer helps out at the shop. Mr Niranjana stated that Dadds Solicitors are now responsible for the training of all staff members. I was informed that an employee of Dadds Solicitors, Alan Aylott carried out a licencing compliance visit on the 19th of January 2016 and provided training for the members of staff.

Signed: 

Shels Food and Wine, 3-4 Writtle Walk, Rainham, RM13 7XB**Change of hours**

I withdraw the change of hours on my variation application
There will be no change of licensable hours at the premises at this time.

Challenge 25

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 license or passport.

Refusals Log

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

Daily Record/Incident Log

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.

Staff Training

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 at least every 3 months and must be made available to a relevant responsible authority when called upon.

CCTV

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. To obtain a clear head and shoulders image of every person entering the premises on the CCTV



Representations from Responsible Authorities

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning an application for a temporary event notice for the premises as detailed below.

Premises Name and address:

Your Name: _Belinda Goodwin

Organisation name/name of body you represent: Metropolitan police service

Your Address: 19 Main Road Romford RM1 2BJ

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

Contact telephone number: 01708779237

Summary of Objection: The Police service is committed to upholding the licensing objectives especially one of crime and disorder and prevention of harm to children. There have been two failures of under age sales from this venue the last one that was committed by a child of 16 yrs old who served a 17yr old.

Policy Considerations

Shels food and Wine is an off licence that is situated in a small parade of shops that are positioned in the middle of a housing estate. This is a premise that operates more as a convenience store and just sells a small proportion of alcohol that if was not sold should not be detrimental to the business. This venue is in a zone that has a high volume of children living in the community, there is a school secondary school BRITTONS ACADEMY 0.4 miles away.

Representation Mr Arumagam has been the DPS of the premises since February 2015 he is also the premise licence holder. Information was received by trading standards that there were students who were buying cigarettes from this venue. Police were concerned that if this product is being sold to children that the likelihood other items were being sold to them as well that could cause injury or harm.

04/08/2015 - An underage sales test was conducted at the premises with a 15 yr old volunteer who entered the premises with an officer from Trading standards who is there to observe a sale. The volunteer selected a bottle of WKD vodka 5% alcohol volume and went to the counter. When the volunteer approached the man at the till, Mr Thavarasalingyam asked the volunteer how old she was and she replied " I am 15" Mr Thayarasalingyam then said " ok, only this time you can have it". I attended straight after and issued him with a fixed penalty notice for making the sale. As I was talking to Mr Thayarasalingyam he seemed to be very red eyed and I could smell alcohol. I asked him if he was intoxicated and he said " no". The DPS Mr Arumagam arrived shortly after and the offence was pointed out to him and he was invited into Mercury House for a meeting.

Exhibit BG/2 assists.

24/08/2016 - Meeting was held with Police officer Jason Rose and trading standards officers Jocile

Munro and Ann Bowles. Also present was Mr Campbell for the local authority. The premises was put on an action plan to submit a minor variation addressing the following measures
Adapt and install CCTV
Adopt Challenge 25
Use a refusals book
Use a training programme for all staff
Use a daily register book
Attend a FTA course on 21/10/2015.

25/08/2016 - Official notification from Mr Arumagam that he accepts all the conditions and that these would be added to the licence as a variation

29/09/2015 - Underage sales operation conducted at the venue where the sale was refused on this occasion.

30/10/2016 - An underage sales test was conducted at the premises with a 17 year old female volunteer who selected a bottle of echo Falls wine 11.5% volume of alcohol. The male server behind the counter Mr Matahusan Nagalingam, who was only 16yrs old himself and spoke very limited English, sold the alcohol to the volunteer. The other male who was behind the counter, Mr Kanapathapillia was asked if he had a personal licence and he confirmed that he did not but had been given permission to sell the alcohol by the DPS Mr Arumagam.

Exhibit BG/3 assists

Police have no confidence that Mr Arumagam has shown that he is upholding atleast one of the licensing objectives, **prevention of harm to children**. On two separate occasions staff have sold to underage volunteers, the first incident concerning a male who in Police opinion was under the influence of alcohol himself and even when the volunteer told him how old she was continued to sell the alcohol anyway. The second time that there was an un-supervised staff member who was left to his own devices, despite having very limited English and being under 18 himself, to serve customers..Police also have no confidence that the staff or the DPS would be likely to challenge a customer who may be intoxicated, due to the behaviour that has already been displayed this could lead to other offences being committed. We have already tried to engage with the premises after the first sale and this was not adhered to, there has been time and engagement placed into the venue with the DPS and it seems that he has not been operating to the right standards.

Police feel that the revocation of the licence is proportionate to this review as there would be no other conditions that could be placed on the venue that would assist the DPS in the upholding of the licensing objectives, that have not already been addressed.

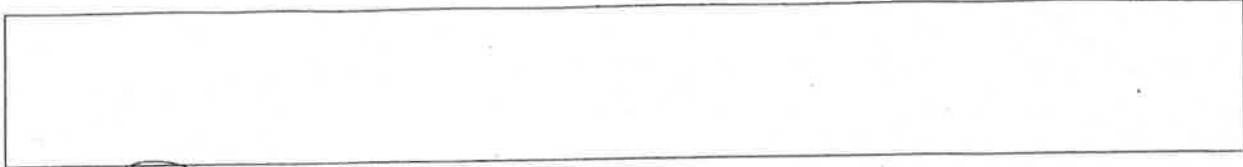
Complaint and Inspection History (if applicable)

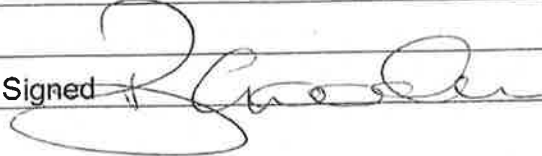
As above

Other documents attached

Statement so support sale 04/08/2015 BG/2

Statement to support sale 30/10/2015 BG/3



Signed  dated 26/5/2016.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Belinda Goodwin

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 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.

Witness Signature: 

Date: 02/11/2015

On Friday 30th October 2015 I was on duty in plain clothes in the company of Havering Trading standards officers Anne Bowen, Sasha Taylor and Joy Afoke. I was present at a briefing held by trading standards at a secure location in relation to the deployment of an underage person to local off licences and newsagents to test the availability of alcohol to underage persons. I was made fully aware of my role and responsibilities during this briefing. At approx 1600hrs officers from Trading standards along with 1 underage volunteer entered the premises of 3 -4 WRITTLE WALK in RAINHAM. A few moments later I was informed that the male shop assistant had sold alcohol, namely a bottle of ECHO FALLS Fruit infusion white wine at 9% volume to the 17 year old volunteer. No I.D was asked for all the sales man said was "do you want a bag?". He then proceeded to sell her the bottle of wine to the cost of £4.49. I then attended the address in company of Ann Bowen and Joy Afoke spoke to the male behind the till and another male who was also behind the till area. Both trading standards and I fully identified ourselves showing both the males our warrant cards and explaining why we were on scene. Joy Afoke identified the smaller male as the one who sold the alcohol as it was witnessed directly by her. The male was informed that the female who he had just sold to was only 17 years old, the male looked at us blankly and said "I don't understand" I asked his name and he said it was Mr Matahusan WAGALLINGAM he was living at 80a Malvern Road RM11 1BQ and that he was only helping out in the shop he had just arrived from Italy and was going to start college here. I asked him how old he was and he said "I am 16" he then got some I.D and I confirmed that it was him and his date of birth was 24/09/1999. The other male who was sitting behind the counter said "I did not know that he had served anybody" Joy Afoke pointed out that she had stood behind the volunteer and that she then approached him to serve her as she said that the other male was busy serving someone else so he was fully aware that he was serving the girl. I asked this other male for identification, he stated that he did not have any on him, he said that his name was Santharoben KANAPATHAPILLIA 18/08/1975. He stated that he had only been working there for a short time. I said to KANAPATHAPILLIA "have you got a personal licence" KANAPATHAPILLIA replied "No, I have been given permission to sell the alcohol" I said to KANAPATHAPILLIA "Have you given permission to this boy to sell alcohol?" KANAPATHAPILLIA replied "No, he should not have served that person, I did not know that he was serving anyone" I asked KANAPATHAPILLIA to call the designated premise supervisor which he did, he passed the phone to me and I said "Is this Mr ARMUGAM?" he replied "yes, I am at the cash and carry and I will be back very shortly" I then asked KANAPATHAPILLIA if there was a till prompt on their tills to remind the staff to ask for I.D when selling alcohol, he said that there was.

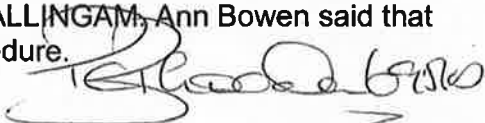
Witness Signature: 

Signature Witnessed by Signature:

Page 1 of 2

Continuation of Statement of:

.....then asked if you have to sign in your details at the till when you want to serve someone, KANAPATHILLIA replied " I just left the till open that is how he was able to use it" Mr ARMUGAM arrived about 10 minutes later and Ann Bowen explained what had happened and he seemed very angry and looked at WAGALLINGAM and said " why did you go behind the counter, I told you not to do that, you know you are not supposed to do that" WAGALLINGAM looked very confused and he did not say anything. Ann Bowen asked ARUMGAM if he had the refusal log he said that he would print it out for us. A while later ARUMGAM produced a list of refusals from the last month. We then asked to view the CCTV with him. ARUMGAM brought this footage back to around 16:00 and you could see WAGALLINGAM standing around in front of the counter, and tidying up the shelves, then he goes behind the counter and sits on a chair swinging around on it. You then see KANAPATHAPILLIA sit at the far end of the counter and he is counting some bags of money. The volunteer then approaches the counter to the right where WAGALLINGAM is sitting and he immediately gets up and serves the volunteer. A few seconds later KANAPATHAPILLIA then comes behind WAGALLINGAM and seems to be getting a bag, he then goes and sits back down. The trading standards officer Joy Afoke then approaches the counter behind the volunteer and walks to the left to ask KANAPATHAPILLIA to serve her as the other till is busy. KANAPATHAPILLIA then stands up and serves Joy Afoke. The volunteer then takes the bottle of wine and leaves the shop. I explained to ARUMGAM that I could not give the boy a fixed penalty for committing the offence of serving alcohol to someone under the age of 18 as he himself was only 16. I reminded him that this is now the second time that this venue has failed a test purchase and that it is likely that he will be taken to review of his licence. Mr ARUMGAM was very upset and said that this is his livelihood and he said that he would have to get some more staff in. Mr ARUMGAM said that he was helping WAGALLINGAM out as he was here to study and that he knows not to go behind the counter. I stated that I thought that WAGALLINGAM looked quite comfortable behind the counter and had no problems in serving the volunteer. Mr ARUMGAM then said that he was disappointed with the situation and that this should never have happened but that he accepted what he had seen on the footage. Mr KANAPATHAPILLIA also said that he took full responsibility and that it was not the fault of WAGALLINGAM. Ann Bowen said that they would be in touch to explain the next step in the procedure.



Witness Signature: 

Signature Witnessed by Signature:

Sale of alcohol to a person under 18

WITNESS STATEMENT 01/61802875

(CJ Act 1987, s.9 MC Act 1980, ss 5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of : PC Belinda Goodwin 695KD

Age: Over 18

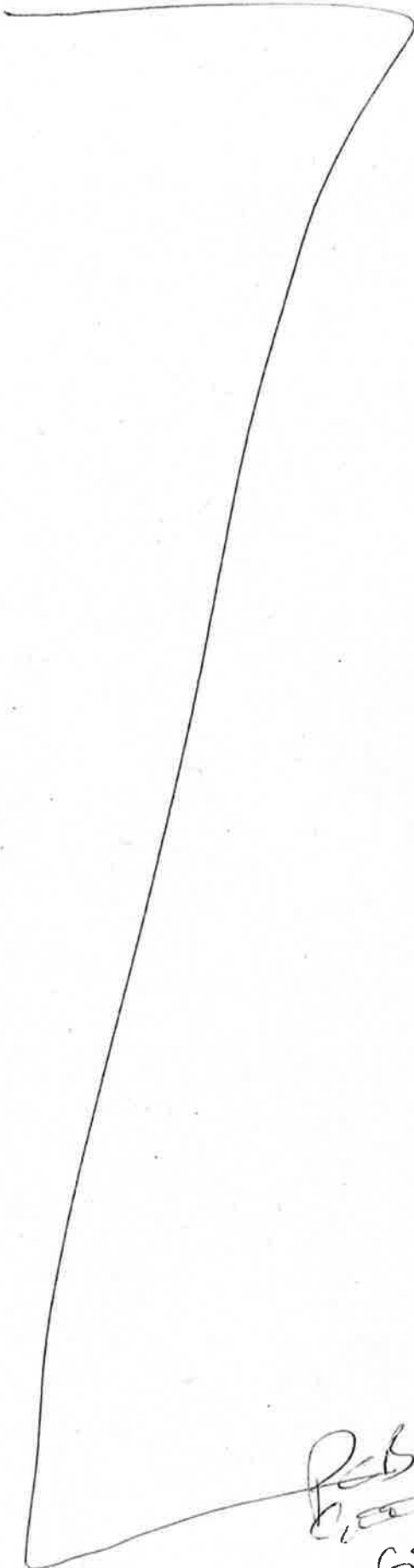
This statement (consisting of: 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated ... Wednesday 6th August 2015

Signature

Notes commenced at 0830hrs 05/08/2015, Romford Police station. Continuation of ticket **61802875**. On Tuesday 4th August 2015 I was on duty in company with the following officers from Havering Trading Standards, Michelle HAMMOND and Jo MUNRO and Ann BOWEN. I was present at a briefing held by trading standards at a secure location in relation to the deployment of an underage person to local off licenses and newsagents to test the availability of alcohol to underage persons. I was made fully aware of my role and responsibilities during this briefing. At approx 11:30hrs officers from trading standards, along with 1 underage volunteer entered the premises of 3 - 4 WRITTLE WALK RAINHAM. A few moments later I was made aware by trading standards that a male shop assistant had sold alcohol namely bottle of WKD 700ml Vegas Ltd edition to the 15 yr old volunteer. He asked for I.D and the volunteer replied " I am 15" The male then said " ok only this time you can have it" and he proceeded to sell her the bottle. The price of this particular bottle was £3.49 each. I then attended the address in company with Jo MUNRO and Ann BOWEN and spoke with the male behind the till, only occupant of the shop at this point. Both trading standards and I fully identified ourselves showing the male our warrant cards and explaining why we where on scene. Ann BOWEN identified the male as the person who sold the alcohol as it was witnessed direct by her. The male stated he fully understood and gave his details to police as Mr Niranjan ARMUGAM DOB 29/07/1970 369 BURGES ROAD LONDON E6 2ET. This was verified by means of his personal driving license. Trading standards and I explained what had been alleged in relation to him supplying the bottle of alcohol to persons aged below 18 yrs of age after challenging them about their age and then still proceeding to sell the bottle of alcohol. Mr ARMUGAM seemed to be intoxicated himself as I could smell alcohol and his eyes were extremely blood shot , I said " have you been drinking" Mr ARMUGAM said " no, no". I then pointed out the offence of selling alcohol to a person under 18 yrs of age at 1155hrs and made no reply. Mr ARMUGAM signed this reply to be correct on the PND). Enquires were made with Mr ARUMGAM in relation to who was the current DPS (Designated Premises Supervisor) for the premises. He arrived about 20 minutes later we spoke at length with this male and explained what had happened. He replied, "I cannot believe he has done this, he knows not to sell to anyone who is underage". I made checks and found Mr ARMUGAM to be suitable by means of a PND disposal. I then **ISSUED A FIXED PENALTY NOTICE 61802875** to the male, fully explaining the procedure of how to pay and the time frame along with how to elect to a court hearing. He stated he fully understood the process and would make a payment straight away. Mr ARMUGAM signed for receipt of the ticket and I handed him the top copy of the document. Notes completed at 0915hrs

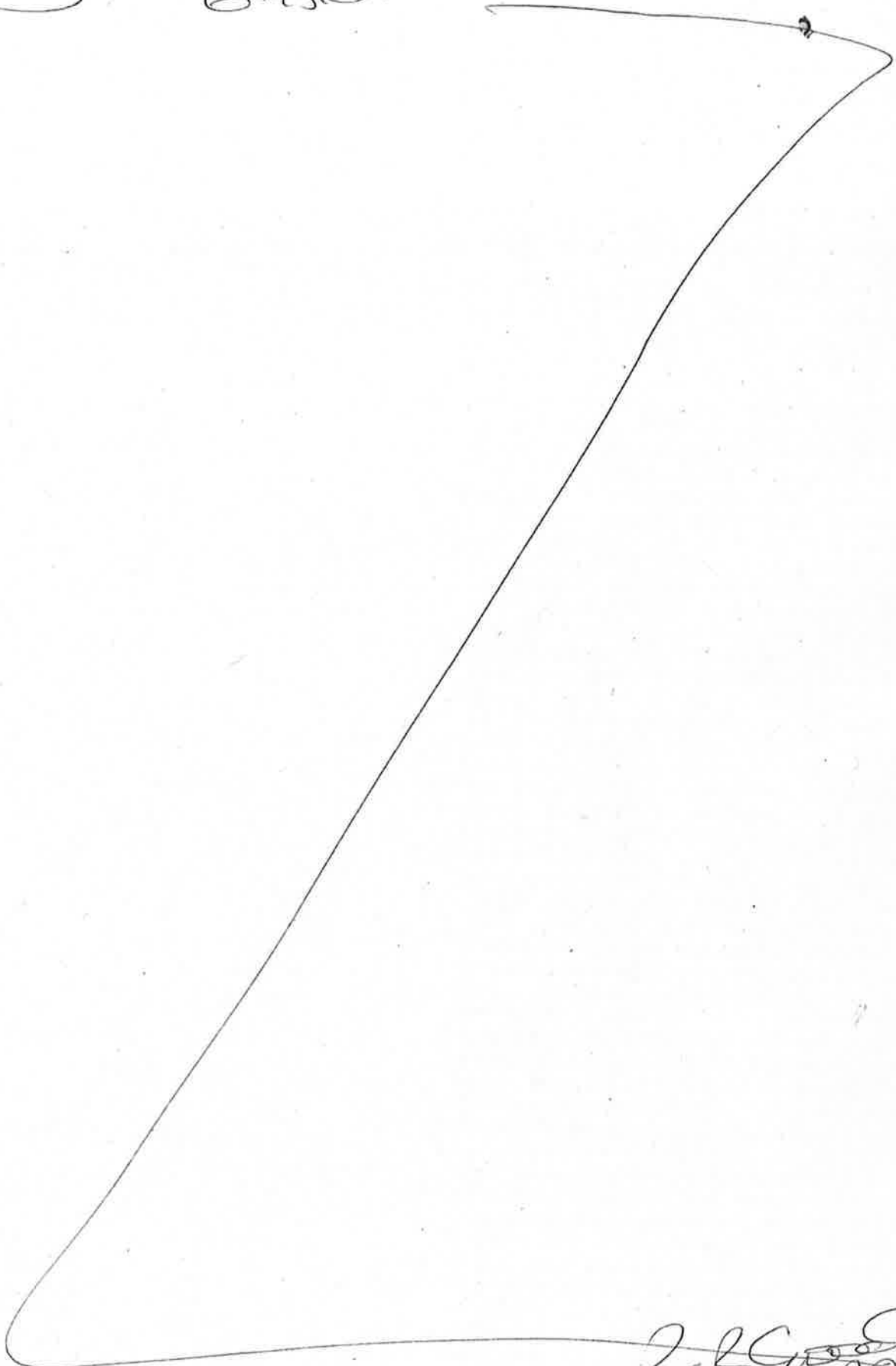
PG/2



695KD

Signature

Belinda Goodwin
Belinda GOODWIN 695KD



Belinda Goodwin
Belinda GOODWIN 695KD

Licensing Act 2003 Responsible Authority representation

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

Premises Name and address: Shels Food and Wine, 3=4 Writtle Walk, Rainham

Your Name: Alice Peatling_

Organisation name/name of body you represent: London Borough of Havering
Children and Young People Services

Your Address: Mercury House, Mercury Gardens, Romford__

Email: _alice.peatling@haverling.gov.uk_

Contact telephone number_01708 433528

Policy Considerations

London Borough of Havering Children and Young People Services is making a representation in support of the application to review the premises licence submitted by Trading Standards. Children and Young People support the review due to concerns regarding the premises licence holders ability to adhere to the licencing policy objectives (8, 10, 19, 20)

Representation

The Trading Standards application to review the premises licence has identified significant problems in the way in which this business is run. Children and Young People Services is particularly concerned about the way in which the venue is operated because of its situation within a housing estate, and the likelihood of unaccompanied children and young people frequenting the shop.

It is of significant concern that a test purchase undertaken at the venue was failed because the young person was asked her age, and the seller chose to make the sale despite knowing that she was fifteen. This behaviour increases the concern that Children and Young People Services has for the way in which the business is run: the prompts were undertaken but disregarded in order to make a sale.

The premises has been open for a short time under this management and during that time the venue has failed two out of three test purchases, the second fail, and third test purchase, was also of significant concern to Children and Young People Services because the assistant selling the alcohol was only sixteen. Despite the venue selling licensed products, adult supervision was not robust.

The licence holder has not demonstrated a commitment to upholding the licensing objectives and nor is there evidence of the licence holder taking responsibility to ensure that the venue is operated in a safe manner, ensuring that children and young people are protected from risk of harm. Challenge 25 was not being operated in November when the venue was visited, despite the history of failed test purchases. The failed test purchases should have resulted in the licence holder taking action to increase vigilance in the shop when determining whether a purchase should or should not be made.

It is positive that the Designated Premises Supervisor commissioned training for staff in January 2016. The venue has received support and advice from Trading Standards over the time being reviewed, and the support has not been used to improve the safety of the venue.

Children and Young people services holds concern for the way in which the venue is operated. If it is the view of the sub-committee that the trader will continue to supply alcohol to underage young people, children services would request that revocation of the licence be considered.

Complaint and Inspection History (if applicable)

Other documents attached

A3 Peeling

Signed

dated

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning an application for a temporary event notice for the premises as detailed below.

Premises Name and address: Shels Food & Wine, 3-4 Writtle Walk, RM13 7XB

Your Name: _ Paul Campbell

Organisation name/name of body you represent: London Borough Of Havering/Licensing

Your Address: 5th Floor, Mercury House, Mercury Gardens, Romford, Essex, RM1 3SL

Email: paul.campbell@havering.gov.uk

Contact telephone number: 01708 432766

Summary of Objection: Representation supporting an application to review the premises licence

Policy Considerations

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Where there is a history of non-compliance associated **with the premises applicants**

Licensing Policy 10

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:

- The sale of alcohol to underage children;
- Drunkenness on premises;
- Irresponsible drinks promotions.

Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls

to prevent or minimise the impact. will need to establish evidence of improvement in management standards and procedures.

Licensing Policy 25

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- Restricting hours of operation
- Removing licensable activities from the premises licence
- Imposing additional conditions
- Requiring the removal of a designated premises supervisor
- Suspending a licence
- Revoking a licence

Representation

I wish to make representation as a Responsible Authority to support the application as there are concerns over the way that the premises is managed and the promotion of the licensing objectives.

Application

This application to review the premises licence has been submitted on behalf of the Trading Standards based on their concerns with the premises and its upholding of two of the four licensing objectives

The Licensing Authority has concerns about the way that this premises is managed and their promotion of the licensing objectives.

This premises is a double unit shop in a row of 5 shops apart from the newsagents next door there are no other premises within half a mile that sell alcohol.

On checking on the councils mapping system I found that within 400 metres of this shop there are over 1000 residential properties, so for the people living in these thousand properties Writtle Walk are the nearest shops and the nearest premises selling alcohol.

All premises must be fully aware of their obligations when selling age restricted products but the location of these premises and its catchment area for customers clearly shows that the highest level of age verification should be in place at the venue.

Following the failed test purchase on 4th August 2015 the licence was varied (14/08/15) this variation included a "Challenge 25 policy", a "Refusals Book" and "Training for all Staff". This should have put into place safeguards so that children cannot buy alcohol at the premises, but in October Alcohol was sold to a 17 year old by a 16 year old assistant.

This test purchase failure demonstrates poor management at the venue, the options are that the 16 year old had not been trained, they have completely disregarded the training or did not understand the training they were given, each way this raises issues regarding the managing of the premises.

The Licensing Authority as a Responsible Authority feel that the licensee has failed in Protecting Children from Harm and Preventing Crime at the premises.

It is the duty of Licence Holders to promote the four Licensing Objectives, this has not done at these premises and unless they can show the Sub-Committee robust measures that they have put into place following the October failure serious consideration must be given to revoking the premises licence.

Procedures should have been put into place by the licence holder to protect children if this has been done they should be outlined to all parties for consideration, it is my opinion that it is not enough to wait for conditions to be imposed on the licence.

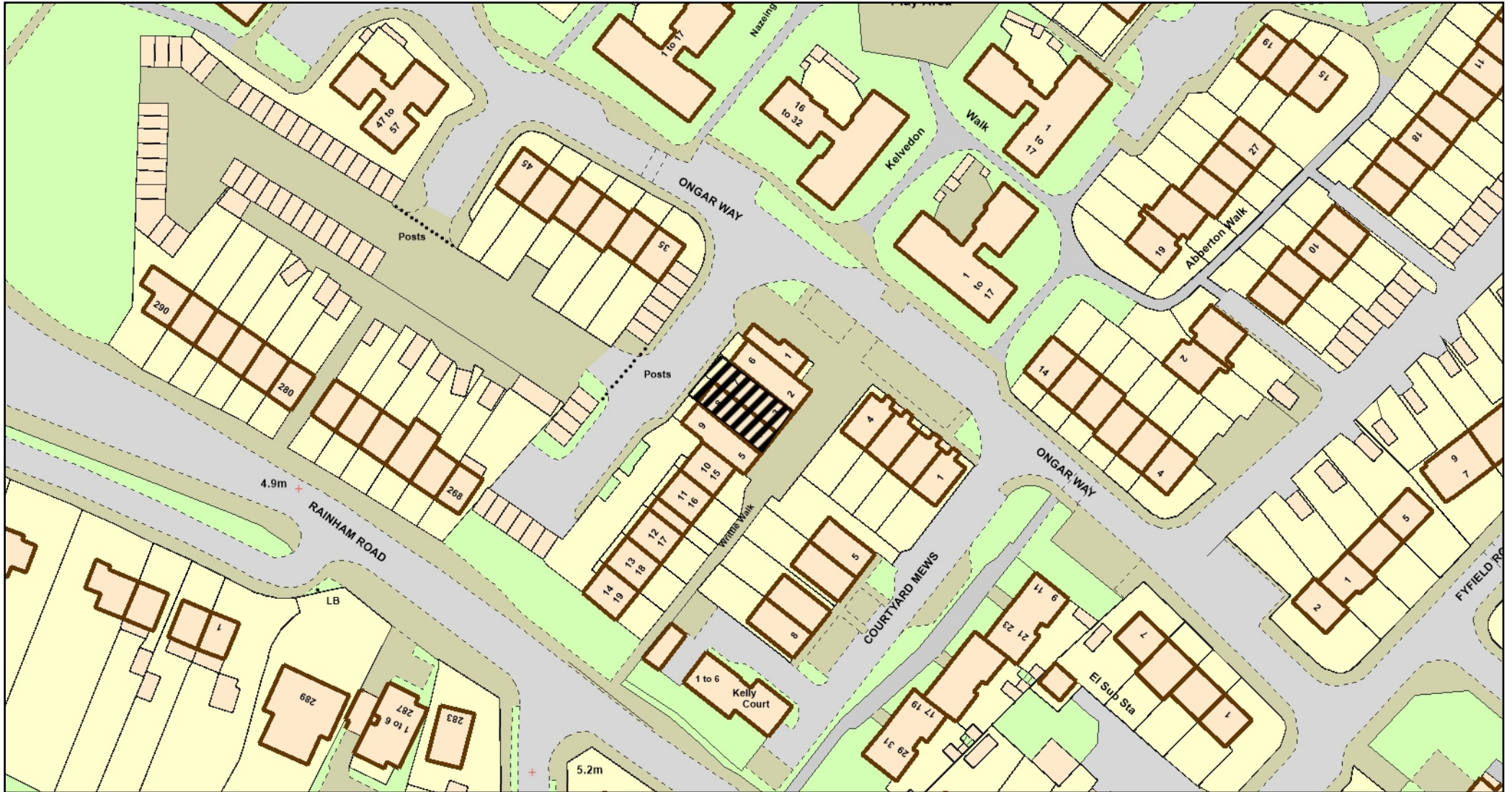
Complaint and Inspection History (if applicable)

Other documents attached

Signed



dated 24th May 2016



Shel's Food & Wine



Scale: 1:1000
 Date: 29 April 2016
 Size: A4



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

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