



Havering
LONDON BOROUGH

**Licensing Act 2003
Notice of Decision**

PREMISES

Star Off Licence
57-65 London Road
Romford
RM7 9QA

DETAILS OF APPLICATION

Application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Mr Hasan Seker
17 Windsor Court
312 Forest Road
Walthamstow
London
E17 5JJ

and

Mr Seker Huseyin
80 Larkswood
London
E4 9DY

1. Details of application

Supply of Alcohol

| Day | Start | Finish |
|------------------|--------------|---------------|
| Monday to Sunday | 00:00 hours | 24:00 hours |

At the Sub-Committee hearing the applicants indicated that for the purposes of this hearing only they were prepared to agree to the following reduced hours:

| Day | Start | Finish |
|----------------------|--------------|---------------|
| Monday to Wednesday | 07:00 hours | 00:30 hours |
| Thursday to Saturday | 07:00 hours | 02:30 hours |
| Sunday | 07:00 hours | 23:00 hours |

The Applicants also confirmed that the premises would only operate during the licensable hours granted.

2. Details of Variation

There has been no application for either seasonal variation or non-standard timings

3. Promotion of the Licensing Objectives

The applicants have completed the operating schedule, which forms part of his application, that they will take the steps set down to promote the four licensing objectives:

General (all four licensing objectives)

CCTV to be maintained, recordings kept for a period to be agreed with the police and offered for inspection if required by a Police officer or authorised officer of the Council. Staff will be given initial training to ensure they are aware of their responsibilities under the Licensing Act. The applicants indicated that they were experienced retailers. They had the benefit of a premises licence for off sales in respect of 65 London Road but would surrender this at the point that a new licence was issued.

The Prevention of Crime & Disorder

The Applicants indicated that there would be CCTV coverage inside the premises in accordance with advice from the Police.

There would be signs on display informing the public passing the premises that recorded CCTV was in use at the premises.

Any recording would be kept a minimum of 31 days and would be made available to the Council or the Police.

A general alarm system would also be installed.

Public Safety

The Applicants had agreed to comply with the fire regulations and the provisions of the management regulations.

The Applicants would also maintain and check systems in place, smoke detectors, fire extinguishers, emergency safety lighting and fire alarms.

The Prevention of Public Nuisance

The applicants had confirmed that they would discourage noise from patrons arriving at queuing or departing from the premises by displaying polite notices for customers' attention.

The protection of children from harm

The applicants had confirmed that to prevent the purchase of alcohol by minors staff would request proof of age identification such as UK drivers licence or passport. Refused sales would be entered into a refusal book with details for record. Relevant literature displayed for customers' attention.

4. Details of Representations

Representations Objecting to the Application from "Interested Parties"

Four valid written representations were received from the following members of the public:

Mrs J Gowers 48A London Road Romford Essex RM7 9QX
Mr C Lau 51-55 London Road Romford Essex RM7 9QA
Mrs S Mansfield 47 London Road Romford Essex RM7 9QA
Mr W Sampson 47 London Road Romford Essex RM7 9QA

Each of the written representations based their objections upon one or more of the four licensing objectives. All four attended the hearing to make representations in support of their objections.

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police"):

The Police made representations against the application stating that they considered the applicants had not satisfactorily addressed the four Licensing objectives.

It was stated that whilst an effort had been made, the applicants had not satisfactorily addressed the steps they intended to take to promote the four licensing objectives. Virtually every proposal made by the applicants to promote these objectives required further clarification. For example, undertakings given relating to CCTV systems could be meaningless if they were not applied to guidelines that were capable of withstanding scrutiny. This requirement was absolutely necessary where a premises was seeking to operate for twenty - four hours a day.

Most of the Borough's ward Safer Neighbourhood Teams (SNT) were currently tasked to deal with anti-social behaviour and disorder issues caused by youths who had obtained access to alcohol.

This was the case with Brooklands Ward SNT who had to respond to associated alcohol-related problems in Cottons Park which was situated directly opposite the premises.

The Police accepted that no current alcohol related disorder was attributable to this particular premises.

However, it was by raising these concerns and encouraging the applicants to adopt as good service the guidelines as set out in the Havering "pool of conditions" that would go some way to ensuring that they do not materialize in the future.

London Fire & Emergency Planning Authority ("LFEPA"): None.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None

Public Health: None

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

5. Determination

Consequent upon the hearing held on 23 November 2009, the Sub-Committee's decision regarding the application for a Premises Licence for Star Off Licence 57-65 London Road Romford was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

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

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Issues

Issue 1 Whether the granting of the premise licence would undermine the prevention of the public nuisance objective.

Issue 1 Public Nuisance

The Sub-Committee noted the representations from members of the public outlining the risk of public nuisance at the premises. The Sub-

Committee also noted the Police's concerns regarding those debarred from legitimately acquiring alcohol e.g. young persons under the age of 18 approaching adults to purchase alcohol on their behalf

The applicant agreed to provide regular training for all staff who worked on the premises to ensure that the licensing objectives were met and adhered to.

Issue 2 Whether the granting of the premises licence would undermine the public safety objective.

Issue 2 Public Safety

The Sub-Committee noted the representations from the Metropolitan Police who were concerned that an adequate CCTV system needed to be installed at the premises.

The Applicants indicated that they would install a suitable CCTV system, that would also include recording outside of the shop, and would have a 31 day recording capability.

The Sub-Committee also considered the representations made by members of the public.

Issue 3 Whether the granting of the premises licence would undermine the crime and disorder objective.

Issue 3 Crime and Disorder

The Sub-Committee noted the representations from the Metropolitan Police and representations from members of the public who were concerned that the premises was situated in a parade of shops that were situated opposite Cottons Park which already suffered from problems with Anti-Social behaviour.

Issue 4 Whether the granting of the premises licence would undermine the protection of children from harm objective.

Issue 4 Protection of Children From Harm

The Sub-Committee considered the discussion around ensuring that under-age purchasing of alcohol did not take place and noted that all operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants. It was suggested that this include the provision of clear notices around the store reiterating the seriousness of under-age drinking and the

relevant offences involved.

The Applicants indicated that they were happy to keep a refusals register on the premises that could be inspected at any time by the responsible authorities.

The Applicants indicated their intention to purchase an EPOS till which generated prompts for sales of age restricted products.

The Applicants confirmed that all persons or persons that appeared to be under the age of 25 would be asked for photographic identification by means of a passport or photo driving licence. Also to be aware that adults may on occasions purchase alcohol on behalf of persons under the legal age.

6. Decision

Having considered the oral and written submissions on behalf of the Applicants' legal representative, objectors, Police and the licensing officer, the Sub-Committee **granted** the application in part (as set out below).

Supply of Alcohol (off sales only)

| Day | Start | Finish |
|----------------------|-------------|-------------|
| Monday to Wednesday | 07:00 hours | 24:00 hours |
| Thursday to Saturday | 07:00 hours | 01:00 hours |
| Sunday | 07:00 hours | 23:00 hours |

Conditions on the Premises License:

a. CCTV

All CCTV to be approved by Havering Police and is to be fit for purpose with recoverable images.

CD15 – 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 Requirements shall have coverage appropriate to the risk.

CD16 - 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, FPS for each camera and purpose of each camera position
- Operational requirement.
- Incident log.

Maintenance records including weekly visual checks.

CD17 - 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.

CD18 - 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. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 - 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.

6b. Training

CD1 – 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.

6c. Proof of Age

The premises is to adopt the challenge 25 policy.

CDGPG3 - Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

CDGPG11 - 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 to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport or a photographic driving licence.

CDGPG12 - All occasions when persons have been refused service shall be recorded in writing in a refusal book, which must be a hard bound book with no loose pages, to be kept on the premises at all times and available for inspection by responsible authorities for six months.

CDGPG13 - Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

In addition the Sub-Committee also imposed the following the conditions on the premises licence.

1. A personal license holder will be on the premises at all times when alcohol is being supplied.
2. The Applicant use an EPOS till with appropriate prompts for sales of age restricted products
3. No more than 25% of the retail area of the premises be used to display alcohol.
4. The licence to be effective from the date that the Licensing Authority provide written confirmation that all conditions set out above have been implemented satisfactorily.

Reason for Decision

The Sub-Committee made its decision giving weight to the representations made by the Police and the public.

The Sub-Committee advised that in making its decision consideration was given to the fact that the area was of mixed tenure, part residential and part business and with several churches.

The Sub-Committee also believed that granting longer licensable hours would be detrimental to sleep patterns of young and vulnerable people.

Opposite the premises was Cottons Park which had been the subject of large investment by the Council over recent years. There had already been reported incidents of Anti-Social behaviour and the Sub-Committee felt that by offering increased alcohol sales in close proximity to the park could well exacerbate these incidents.

The Sub-Committee advised that all the conditions mentioned previously would need to be in place and operational before the new licence was issued. In accordance with the applicants' reassurance they would then surrender the existing licence at 65 London Road before the new licence was issued.

For the present time the Star Off Licence would continue to operate under the present "grandfathered" rights licence at 65 London Road.

7. Right of Appeal

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates' Court may:

1. dismiss the appeal; or
2. substitute the decision for another decision which could have been made by the Sub Committee; or
3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and
4. make an order for costs as it sees fit.

Richard Cursons
Clerk to the Licensing Sub-Committee



Premises licence number

008038

Part 1 - Premises details

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

**Seker Express Supermarket Quality Food Centre
57-65 London Road, Romford, RM7 9QA**

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 Wednesday – 07:00 to 00:00
Thursday to Saturday – 07:00 to 01:00
Sunday – 07:00 to 23:00**

The opening hours of the premises

Monday to Sunday – 00:00 to 24:00

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

Off Supplies Only

Part 2

Signed
Paul Campbell, Licensing Officer

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

Mr Hasan Seker
17 Windsor Court, 312 Forest Road, London, E17 5JJ
079303119267
&
Mr Seker Huseyin
80 Larkswood, London, E4 9DU
07886351998

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

Haydar Has
29 Saxon Close, Dickenson Road, London N8 9EQ

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

London Borough of Hackney – LBH-PER-T-0637

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

Staff are to be trained regularly on licensing provisions and this training is to be documented.

CCTV coverage inside the premises in accordance to the advice from the police.

Signs to be displayed informing the public passing the premises that recorded CCTV is in use at the premises.

Any recordings to be kept for a minimum of 31 days and to be made available to council and police

The premises are to be alarmed.

Maintain and check systems in place, smoke detectors, fire extinguishers, emergency safety lighting, fire alarms etc.

Discourage noise from patrons arriving, queuing or departing from the premises by displaying polite notices for customers attention.

To prevent purchase of alcohol by minors, staff will request proof of age identification such as UK drivers licence or passport.

Refused sales will be entered into the refusal book with details for record.

Relevant literature to be displayed for customers attention.

**Annex 3 – Conditions attached after a hearing by the Licensing Authority
Hearing held on 23/11/2009**

CCTV

All CCTV to be approved by Havering Police and is to be fit for purpose with recoverable images.

CD15 – 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 Requirements shall have coverage appropriate to the risk.

CD16 – 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.

CD17 – 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.

3 of 5

Signed
Paul Campbell, Licensing Officer

CD18 – 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. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 – 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.

6b. Training

CD1 – 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.

6c. Proof of Age

The premises is to adopt the challenge 25 policy.

CDGPG3 – Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

CDGPG11 – 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 to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport or a photographic driving licence.

CDGPG12 - All occasions when persons have been refused service shall be recorded in writing in a refusal book, which must be a hard bound book with no loose pages, to be kept on the premises at all times and available for inspection by responsible authorities for six months.

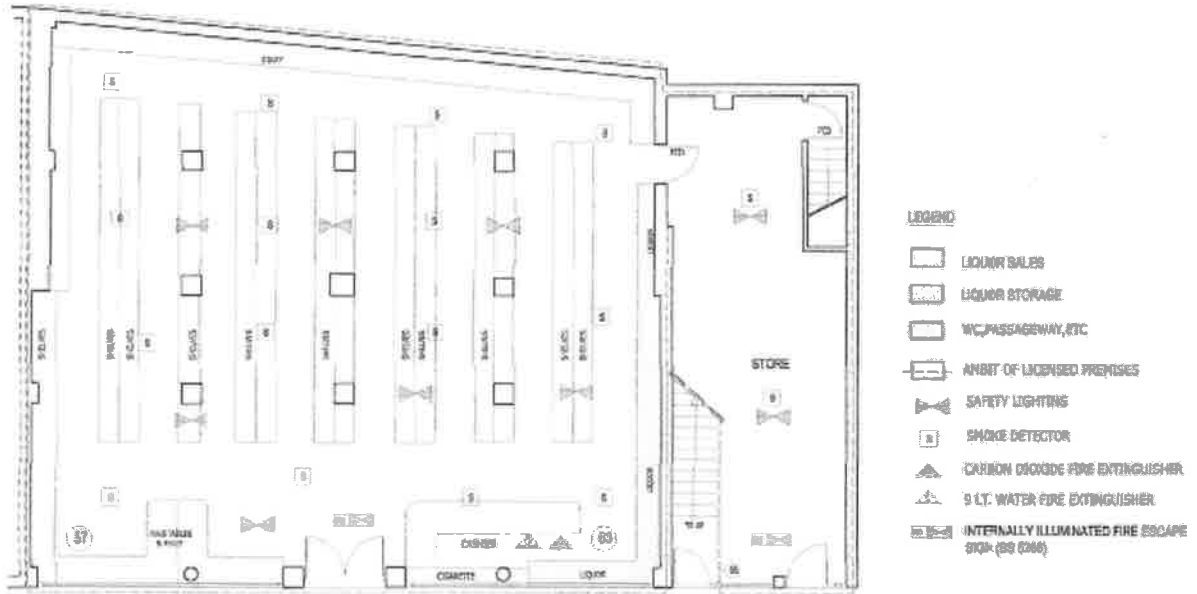
CDGPG13 – Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

In addition the Sub-Committee also imposed the following the conditions on the premises licence.

2. A personal license holder will be on the premises at all times when alcohol is being supplied.
3. The Applicant use an EPOS till with appropriate prompts for sales of age restricted products
4. No more than 25% of the retail area of the premises be used to display alcohol.
4. The licence to be effective from the date that the Licensing Authority provide written confirmation that all conditions set out above have been implemented satisfactorily.

Annex 4 – Plans

Full plans held by the London Borough of Havering Licensing section
Plans shown not to scale



Signed
Paul Campbell, Licensing Officer



Havering

LONDON BOROUGH

Part B

Premises licence summary

Premises licence number

008038

Premises details

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

**Seker Express Supermarket Quality Food Centre
57-65 London Road, Romford, RM7 9QA**

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 Wednesday – 07:00 to 00:00
Thursday to Saturday – 07:00 to 01:00
Sunday – 07:00 to 23:00**

The opening hours of the premises

Monday to Sunday – 00:00 to 24:00

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 Hasan Seker
17 Windsor Court, 312 Forest Road, London, E17 5JJ
079303119267
&
Mr Seker Huseyin
80 Larkswood, London, E4 9DU
07886351998**

Signed
Paul Campbell, Licensing Officer

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 Hasan Seker

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

N/A

Licensing Sub-Committee

Appendix 1 - Copy of the Application

11305.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Keith Bush, Divisional Trading Standards Manager

(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 Seker Express Supermarket Quality Food Centre 57-65 London Road | |
| Post town Romford | Post code (if known) RM7 9QA |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Mr Hasan Seker and Mr Huseyin Seker |
|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) 008038 |
|---|

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

| |
|--|
| <p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The London Borough of Havering Trading Standards Service is committed to preventing underage sales of alcohol within the Borough.</p> <p>Seker Express Supermarket Quality Food Centre in London Road, Romford has sold alcohol to underage volunteers on two seperate occasions within two months, the latest sale occurring on 17th December 2011.</p> <p>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.</p> |
|--|

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

Seker Express Supermarket Quality Food Centre is an off licence/grocers at 57-65 London Road, Romford. The premise licence holder and designated premises supervisor (DPS) is a Mr Hasan Seker.

On 26th October 2011 at approximately 3:20pm two volunteers entered the premises, a fifteen and a sixteen year old male. The volunteers were sold four cans of Carlsberg Export lager (5%vol). The sale was made by a Mehmet SEKER. Mr SEKER did not challenge the volunteers as to their age or request any ID. Mr SEKER was not a personal licence holder and was issued with a fixed penalty notice for the offence.

The DPS was present at the time of the sale but failed to intervene to prevent the sale. The seller said he had not been trained by the DPS and no refusal log could be produced. The signage in the shop showed challenge 21 and challenge 25 posters giving an unclear and inconsistent message to staff and customers.

On 17th December 2011 the premises was revisited at approximately 3:40pm with two female volunteers, one aged 15 and one aged 16. On this occasion the volunteers were sold two 75cl bottles of wine, Blossom Hills and Echo's Falls both with an alcohol content of 12.5%. The sale was made by a Mrs Reyhan SEKER. Mrs SEKER did not challenge the volunteers as to their age or request any identification.

The DPS was present at the time of the sale and was actually behind the counter but failed to intervene to prevent the sale. Mrs SEKER was not a personal licence holder and was issued with a fixed penalty notice for the offence.

The staff at the venue were unable to locate a refusal register and Mrs SEKER seemed unsure whether the venue was operating a challenge 21 or challenge 25 policy.

On 12th January 2012 I visited the premises with my colleague Diana Diaz to conduct a spot check of the systems in operation to establish whether a review of licence was necessary. The following observations were made:

Neither of the persons who made the underage sales were a personal licence holder and neither member of staff had been trained. Apparently both individuals that sold were just helping out and didn't work at the premises. There were no training records being kept on site.

2 tills were found to be in operation at the premises. Only one had a till prompt on it. I consider the till prompt that was present to be inadequate in that it flashed up on the screen for a few seconds and just disappeared. By not requiring any action by the staff to override the till prompt it would be very easy to miss and not stop the transaction occurring.

4 alcoholic drinks were checked to see the till prompt. 2 of the items scanned, a bottle of gin and a bottle of champagne did not cause the till prompt to activate. It was claimed that the move to larger premises means that some items have yet to be added.

A refusal log was present at the time of my visit. There were only two entries since August 2011, neither of which had a date recorded against them. I am concerned that the premises has only refused two sales within a five month period. This would indicate that either checks are not being conducted or the refusal register is not being

maintained.

The signage at the store did imply that both a challenge 21 and challenge 25 scheme was in operation. The venue confirmed that they were actually operating a challenge 25 scheme and removed the incorrect challenge 21 poster during the visit.

Two sales within a 3 month period is considered to be persistently selling alcohol under the Licensing Act 2003. The Act does give provision for the trading standards service to offer a 48 hour closure notice in lieu of prosecution. However in this instance I am concerned that not only have sales occurred but also the underlying systems, procedures and management controls are insufficient at the venue.

The trader has only had its current licence since October 2011. This licence contains a number of conditions to prevent underage sales of alcohol, very few of which were in evidence when the two underage sales of alcohol were made. On neither occasion were even the most basic precautions taken by the staff at the venue ie asking the volunteers for ID. It is also of concern that a responsible person, namely the DPS, has been present on both occasions when the sales have taken place yet their presence has failed to prevent the sales occurring.

The venue has a condition on its licence requiring them to operate a challenge 25 policy. This has clearly not been adopted and is certainly not being actively operated.

The venue also has a condition on their licence requiring them to maintain a refusal register at the premises. On neither occasion following the test purchases could any of the staff (including the DPS) locate any such register. The document that was finally produced on 12th January 2012 was clearly not being used sufficiently.

The venue has a condition on their licence requiring them that all staff shall be suitably trained for their job function for the premises and that this training shall be written and ongoing and available to a responsible authority when called upon. Both members of staff stated they were not trained following the test purchase failures. Certainly no written training records were produced.

This Service has concerns that Mr Seker is not complying with his current conditions of licence and has failed to make the necessary improvements at his venue following either sale. He was personally present during both sales yet failed to prevent either. We question whether Mr Seker is suitably competent to remain as DPS at the venue.

The venue is within close vicinity of Cotton's park, an area where young persons gather and it is therefore very important that this venue is complying with their obligations in relation to underage sales.

We believe that a suspension of licence would be appropriate to give the management at the venue time to remedy the systems and controls that have been found to be lacking and that especially the issues of training and fixing the till prompt system is likely to take longer than 48 hours to resolve. We would welcome any additional conditions that the panel would feel appropriate to prevent further underage sales at the venue.

Our major concern remains that the venue has failed to adhere to a number of its current licence conditions and the committee will need to be satisfied that any additional controls will be implemented and actively acted upon.

Please tick yes

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

If yes please state the date of that application

Day Month Year

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

25th JANUARY 2012

Capacity

DIVISIONAL TRAINING STAFFS MANAGER

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

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

Statement of : Mark Lancod

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

Occupation of Witness : Fair Trading Officer

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

Dated the 5th day of January 2012

Signed

My name is Mark Lancod and I am a Fair Trading Officer with the London Borough of Havering where I have worked for approximately five years. On 26th October 2011 I took part in a test purchasing exercise of alcohol and fireworks. Also present were PC Dave Leonard, Senior Trading Standards Officer Diana Diaz, Trading Standards Officer Katalin Morath and our volunteers. The two volunteers assisting on the day were Charlie Wallace aged 16 DOB 19/9/95 and Caleb Williams aged 15 DOB 31/05/96. Before going out the volunteers were photographed, weighed and measured. We visited eight premises in total on the day, with one making a sale. One of the premises we visited on the day was **SEKER SUPERMARKET 57-65 LONDON ROAD ROMFORD RM7 9QA**. I entered the premises before our volunteers at approximately 3:20pm. The volunteers entered shortly afterwards and were sold a 4x500mls cans of Carlsberg Export (5% VOL) by a young male wearing a grey sweater who did not ask for their ages. The time of sale was 3:30pm. The volunteers left the premises and I followed shortly afterwards. I returned to the store shortly after the sale with Dave Leonard and Katalin Morath. The seller was identified as Mehmet Seker DOB 26/03/93 Of 60 Hatch Lane Chingford London E4 6LQ. He initially said he did not work at the store but when he was told he was seen selling he said he was helping out. He said he did not remember making the sale initially so we watched the sale back on the CCTV. He said he was not a personal licence holder. The seller told us that before making the sale he had asked his uncle Husseyn Seker DOB 08/06/1968 if it was OK to serve the volunteers and he had said yes. Mr Husseyn Seker claimed he did not see the volunteers. The seller said he had not had formal training but was told to check that people were not under 18. In the store behind the till were Challenge 21 and Challenge 25 posters which I took pictures of and exhibit as **MAL/1** and **MAL/2**. There was no refusals log produced when requested. The DPS of the store was present at the time of sale and known as Hasan Seker DOB 05/06/1971 of 17 Windsor Court, 312 Forest Road Walthamstow E17 5JJ. Also present at the store was another man who identified himself as a manager. Dave Leonard issued the seller a FPN. The alcohol was sealed in bag numbered N00040857 at 4:05PM and which I exhibit as **MAL/3**. We then left the store.

Signed :

**LONDON BOROUGH OF HAVERING
TRADING STANDARDS SERVICE**

I IDENTIFY THE EXHIBIT DESCRIBED BELOW AS
THAT REFERRED TO IN THE STATEMENT MADE
AND SIGNED BY ME

SIGNED: [Signature] DATE: 5/1/12

EXHIBIT NO: MAL/1

IN THE CASE OF: Seker

DESCRIPTION OF EXHIBIT: Photo of
Sales Counter

OFFICER TAKING POSSESSION OF ITEM

SIGNED:..... DATE:.....

I CERTIFY THAT I HAVE SEEN THE EXHIBIT

SIGNED:..... DATE:.....

SIGNED:..... DATE:.....

SIGNED:..... DATE:.....

**LONDON BOROUGH OF HAVERING
TRADING STANDARDS SERVICE**

I IDENTIFY THE EXHIBIT DESCRIBED BELOW AS
THAT REFERRED TO IN THE STATEMENT MADE
AND SIGNED BY ME

SIGNED: [Signature] DATE: 5/1/12

EXHIBIT NO: MAL/2

IN THE CASE OF: Seker

DESCRIPTION OF EXHIBIT: Photo of
Sales Counter

OFFICER TAKING POSSESSION OF ITEM

SIGNED:..... DATE:.....

I CERTIFY THAT I HAVE SEEN THE EXHIBIT

SIGNED:..... DATE:.....

SIGNED:..... DATE:.....

SIGNED:..... DATE:.....



LONDON BOROUGH OF HAVERING

Statement of witness

**(Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967 s9,
Magistrates' Courts Act 1980 s5B)**


Statement of : Sasha Taylor

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

Occupation of Witness : Senior Fair Trading Officer

This statement, consisting of 3 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 5th January day of 2012

Signed :.....

I am Sasha Taylor Senior Fair Trading Officer for the London Borough of Havering where I have worked for approximately 19 years. On 17th December 2011, this service carried out an underage test purchasing exercise. Also present was Trading Standards Officer Katalin Morath, Trading Standards Officer Mark Rice and two female volunteers who were aged 15 and 16. Before we left the office I took photos of the volunteers on there own and with Mark Rice I produce the photos as exhibits ST1- 4. I then weighed and measured the volunteers. One of the off licences we visited was Seker 57-63 London Road Romford. I entered the shop first, shortly followed by the volunteers. At approximately 15:40pm I witnessed the sale of alcohol to our two volunteers . They were sold two bottles of white wine namely Echo Falls 75cl 12.5% volume and Blossom Hill 12% volume 75cl. Also present behind the counter at the time of the sale were two other males. I now know them to be the Designated Premise Supervisor Mr Hasan Seker 17 Windsor Court 312 Forest Road London Road E17 5JJ and the nephew of the owner Mr Mehmet Akarso 18.06.1988 10 Poppy Drive Enfield EN3 4FE. After the sale had taken place the volunteer left the shop when they got outside

Signed :.....

they handed the alcohol to Katalin Morath. The volunteers then went and sat in the car with Mark whilst Katalin and I went back to speak to the staff. When we arrived back in the shop the seller was not behind the counter. I introduced ourselves, showed my credentials and asked the male behind the counter where the female had gone, he said she had just finished her shift and left the shop with her Husband. I asked him to call her to instruct her to come back to the shop. She arrived shortly after with her Husband and young son. We went out the back of the shop to discuss the sale, her Husband, son and Memet was also present. I explained to her what had happened and she apologised. I cautioned her at 15:55pm. The seller gave her details as Mrs Reyhan Seker 80 Larkswood Road London E4 9DU. Mrs Seker is the wife of the owner. She works in the shop 7 days a week. She did not know where the refusal book was kept and was not sure whether the shop implemented challenge 21 or 25. I explained that she had committed a criminal offence under the Licensing Act 2003 to sell alcohol to a minor and told her I would come back with the Police and she would be issued with a fixed penalty notice of £80. I then spoke to the Designated Premise supervisor Mr Hasan Seker I told him I would be sending him a letter inviting him to attend a tape recorded interview. He acted like he was not bothered about the incident Mr Seker did not say anything. I put to him that he was behind the counter when the sale took place, and that he did not even notice the volunteers. He made no comment. By the way he acted during the whole situation I am convinced he has no interest in preventing the sale of alcohol to minors. I left a business card and said I would be in contact shortly. I sealed the two bottles of wine into evidence bag N00040866. On 20th December 2011 I visited Seker 57-63 London Road Romford accompanied by two Police Officers who issued Mrs Seker with a fixed penalty notice.



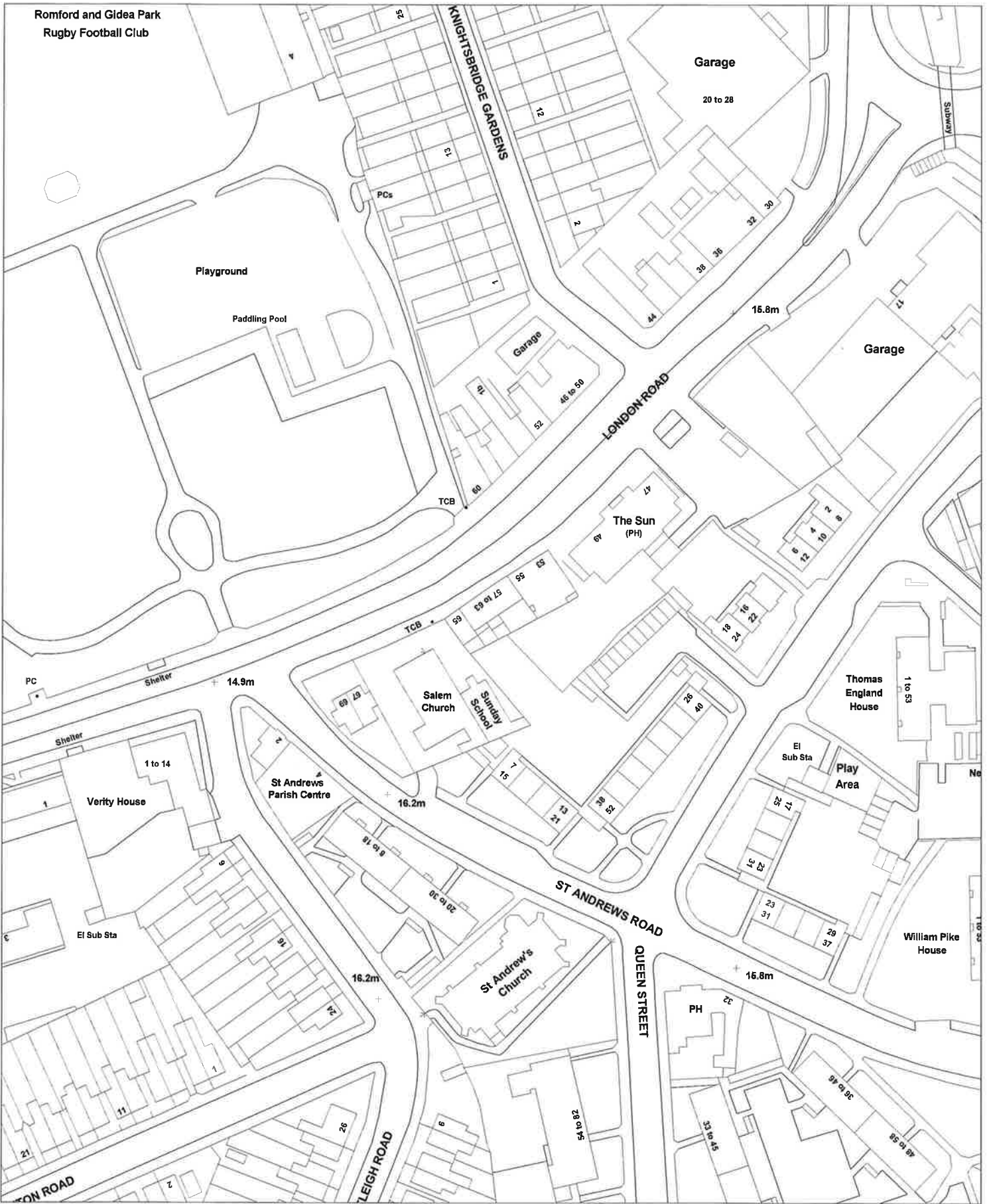
Signed :.....



Licensing Sub-Committee

Appendix 2 - Map of local area

Romford and Gidea Park
Rugby Football Club

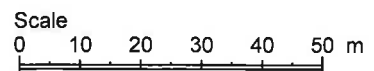


Seker Express

Map Reference: TQ5088SE

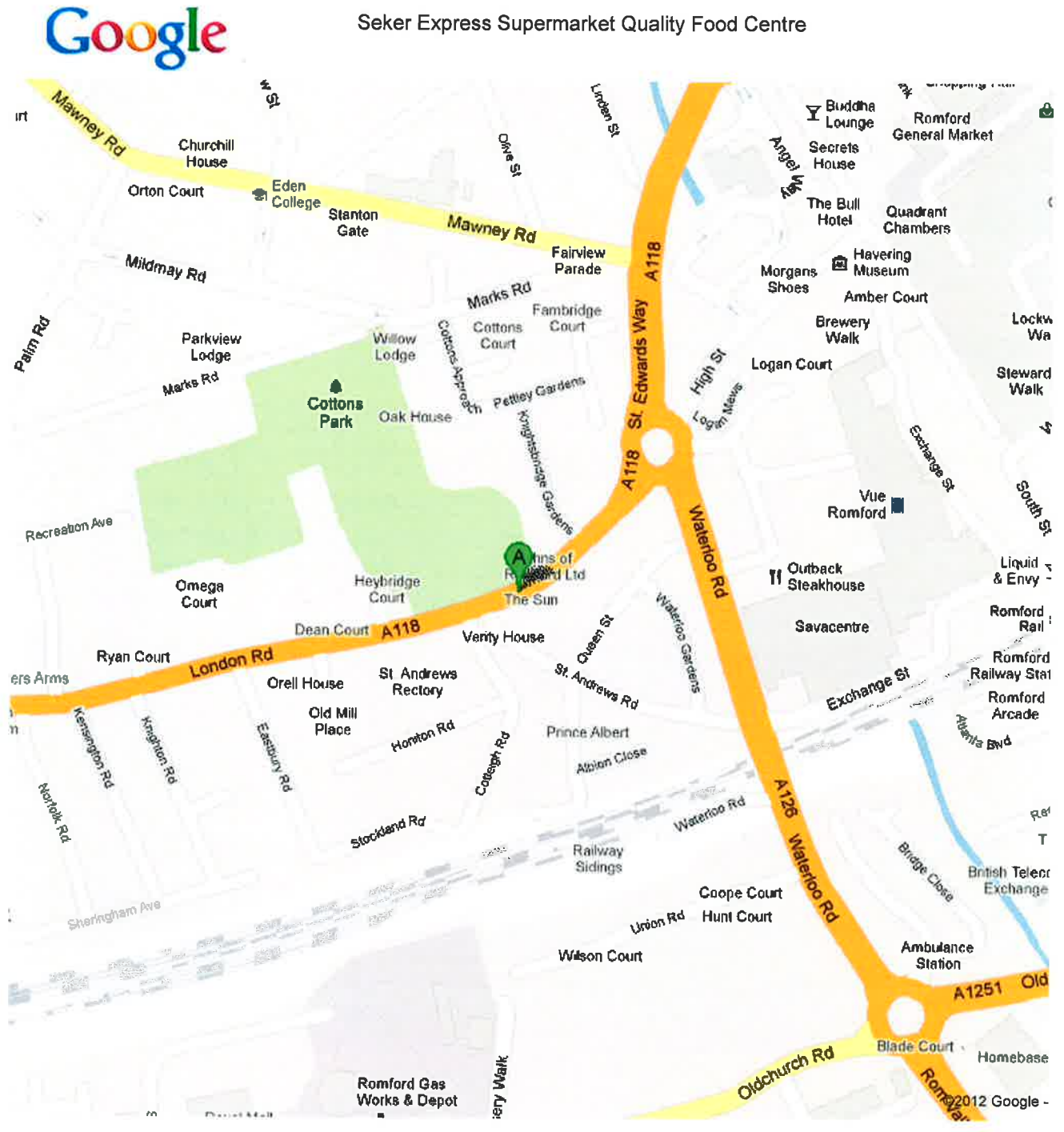


Scale @ A4 1:1250
Date: 22/02/2012



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

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100024327



Licensing Sub-Committee

Appendix 3 - Representations



Working together for a safer London

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

**PC 118 KD David Fern
Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ**

**Telephone: 01708 432781
Email:
David-
anthony.fern@met.police.uk
Date: 7th February 2012**

Police wish to make representation to support the suspension of the premises licence held by SEKER EXPRESS Supermarket quality food centre, 57 -65 LONDON ROAD, RM7.

The local community in the area suffers from various Anti Social behaviour incidents. Cottons Parks and the tunnel at the end of Cotleigh road RM7 are just two areas of concern. These areas suffer from criminal damage, littering and youths loitering which creates an intimidating environment, along with subjects drinking alcohol and disregarding the cans and bottles.

- Alcohol fuelled teenagers drinking in the park are of a public nuisance this could be by the sheer volume of the group.
- Other aspects are the general behaviour, including lack of concern or respect for others.
- There inhibitions are often lowered with the effects of alcohol which in turns creates further disorder.

There is no direct evidence to suggest that SEKER is supplying alcohol to the all subjects in the park who area involved in anti Social behaviour; however the premises are within a close proximity. There is equally no evidence to suggest they are not.

Police do have powers to remove alcohol from young persons and to confiscate it. I would like to ask the committee to seek a further condition on the licence which will involve the labelling of all alcohol so this can be trace back to the shop.

- The label should have the store name on it along with the post code. This in turns assists police in dealing with matters involving youths drinking at various locations nearby. It would trace the source of the supplier and help prevent disorder.

The licensing objectives are all around prevention, the point of sale is essential in order to promote all of the objectives.

Irresponsible sales by these premises effects social health and public health many victims of crime when asked in the British crime survey believed the offender was under the influence of alcohol. The town centre which is within close walking distance is one of the highest alcohol fuelled boroughs in the Metropolitan police.

The premises should be aware that selling alcohol to under 18's or to adults to supply to teenagers is a criminal offence and is socially unacceptable.

I fully support the suspension of this licence and believe that the operator is not promoting the licensing objectives.

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

Yours sincerely,

PC David Fern
Metropolitan police - Havering
Licensing officer

Licensing Sub-Committee

Appendix 5 - Representations considered invalid
(Content)

Licensing Sub-Committee

Appendix 6 - **Representations considered invalid
(Arrived at the licensing office after the
consultation period)**