

## **Licensing Sub-Committee**

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## **Licensing Sub-Committee**

**Section 1** - Licensing Officers Report





# LICENSING SUB-COMMITTEE

# REPORT

4 January 2013

**Subject Heading:**

**Report Author and contact details:**

- Review of the Premises Licence for Gidea Park Groceries, 628 Upper Brentwood Road, RM2 6HS  
Paul Campbell – Licensing Officer  
01708 432777  
[licensing@havering.gov.uk](mailto:licensing@havering.gov.uk)

**This application for a review of the premises licence is made by Keith Bush Specialist Trading Standards Officer under section 51 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 15<sup>th</sup> November 2012.**

**Geographical description of the area and description of the building**

The premises are a single unit terrace convenience store situated in a row of four shops all with single story flats above.

The premises are on the north side of Upper Brentwood Road at the junction with Farnes Drive about 30 metres west of Main Road. The surrounding area to the premises are mainly residential properties.

A map of the area is attached to assist the committee.

The application to review the premises licence is made by Trading Standards following an under age sale of alcohol made during a test purchase operation. Trading Standards also found that there was a lack of systems in place at the premises to prevent underage sales.

The shop holds a Premises Licence to supply alcohol for off supply only (a copy of the licence is attached to my report) this licence was obtained in 2005 by being grandfathered from the Licensing Act 1964.

There have been no variation applications made to this licence, including Temporary Event Notices for the premises.

Mr Mehmet Solak is the Premises Licence holder and is also the Designated Premises Supervisor (DPS) at the premises.

Mr Solak's Personal Licence was also grandfathered forward in 2005 from the old act.

## Licensing-Committee, 4<sup>th</sup> January 2013

In 2005 at the time of transition from the 1964 Act to the Licensing Act 2003 persons who held a Justices Licence for selling alcohol were permitted to apply for and be issued a Personal Licence under the new act without the person holding a recognised qualification.

Any person who applies for a Personal Licence today has to hold the correct qualification before it is issued.

I have no knowledge if Mr Solak has undertaken any formal training to obtain a qualification relating to the supply of alcohol or duties of a DPS.

### **Comments and observations on the application**

The applicant acted in accordance with regulations and served a copy of the notice on the licence holder. I attended the premises on 16<sup>th</sup> November and spoke to Mr Solak he allowed me to place the notice advertising the review on his shop window. The notice was also placed on the London Borough of Havering website and public notice board situated near the Town Hall.

### **Summary**

There were no representations against this application from interested parties.

There was one representation against this application from responsible authorities.

### **Details of representations**

Valid representations may only address the following licensing objectives:

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

### **Responsible Authorities' representations**

The Metropolitan Police support the application for review and outline the minimum conditions they think would help prevent any future underage sales, if the premises are to continue to supply alcohol.

There were no representations from the following responsible authorities:

- Public Health
- The London Fire and Emergency Planning Authority
- The Health & Safety Enforcing Authority
- The Trading Standards Service
- Planning Control & Enforcement
- Children & Families Service
- The Licensing Authority
- Health Service



**LONDON BOROUGH OF HAVERING**

**Premises licence number**

**002110**

**Part 1 - Premises details**

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

**Gidea Park Groceries  
628 Upper Brentwood Road  
Romford RM2 6HS  
Tel: 01708 743 898**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

**Sale of Alcohol**

**The times the licence authorises the carrying out of licensable activities**

**Monday 08.00 to 23.00  
Tuesday 08.00 to 23.00  
Wednesday 08.00 to 23.00  
Thursday 08.00 to 23.00  
Friday 08.00 to 23.00  
Saturday 08.00 to 23.00  
Sunday 10.00 to 22.30  
  
Good Friday 10.00 to 22.30  
Christmas 12.00 to 15.00 and 19.00 to 22.30**

**1 of 6**



Signed .....

Graham Hopkins, Licensing Officer

**The opening hours of the premises**

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

**Off Sales Only**

**Part 2**

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

**Mehmet Solak  
628A Upper Brentwood Road  
Gidea Park  
Romford RM2 6HS  
Tel: 07834068150**

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

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

**Mehmet Solak  
628A Upper Brentwood Road  
Gidea Park  
Romford RM2 6HS  
Tel: 07834068150**

**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 Havering - 2114**



**Mandatory Conditions**

(1) No supply of alcohol may be made under the premises licence –

a. At the 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 their 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.

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Signed .....  
Graham Hopkins, Licensing Officer

**Undertakings on Justices' Licence**

Assurance given that owner/licensee(s) would only use the area marked red on the plan for sale or display of intoxicating liquor save if prior application is made for amendment of this restriction.

**Embedded Conditions**

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

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

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

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Risk to other individuals – from potentially violent or dangerous applicant, including if they have committed a violent crime in the past, or if they're mental health is likely to be incompatible with shared accommodation

Risk to applicant – of public treatment because of their circumstances for reasons – will have an

**Annex 3 – Conditions Attached after a Hearing by the Licensing Authority**

**5 of 6**



Signed .....  
Graham Hopkins, Licensing Officer

**Plans held by Licensing section London Borough of Havering**

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**LONDON BOROUGH OF HAVERING**

**Part B  
Premises licence summary**

**Premises licence number**

**002110**

**Premises details**

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

**Gidea Park Groceries  
628 Upper Brentwood Road  
Romford RM2 6HS  
01708 743 898**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

**Sale of Alcohol**

**The times the licence authorises the carrying out of licensable activities**

**Monday 08.00 to 23.00  
Tuesday 08.00 to 23.00  
Wednesday 08.00 to 23.00  
Thursday 08.00 to 23.00  
Friday 08.00 to 23.00  
Saturday 08.00 to 23.00  
Sunday 10.00 to 22.30**

**Good Friday 10.00 to 22.30  
Christmas 12.00 to 15.00 and 19.00 to 22.30**

**1 of 2**



Signed .....

Graham Hopkins, Licensing Officer

**The opening hours of the premises**

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

**Off Sales Only**

**Name, (registered) address of holder of premises licence**

**Mehmet Solak  
628A Upper Brentwood Road  
Gidea Park  
Romford RM2 6HS  
Tel: 07834068150**

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

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

**Mehmet Solak**

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

## **Licensing Sub-Committee**

**Appendix 1** - Copy of the Application





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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I Keith Bush, Specialist Trading Standards Officer

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> <p style="text-align: center;">Gidea Park Groceries 628 Upper Brentwood Road Gidea Park</p>	
<b>Post town</b> Romford	<b>Post code (if known)</b> RM2 6HS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mehmet Solak
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<b>Number of premises licence or club premises certificate (if known)</b> 002110
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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 Keith Bush, Specialist Trading Standards Officer London Borough of Havering Trading Standards Service 5 <sup>th</sup> 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"/> |

**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.

Gidea Park Groceries, 628 Upper Brentwood Road, Gidea Park, Romford has recently made an underage sale of alcohol in April 2012. The venue seemed to have a lack of systems and procedures in place to prevent underage sales.

We believe that the lack of systems and controls in conjunction with the recent underage sale failure 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)

Gidea Park Groceries is an off licence/grocers at 628 Upper Brentwood Road Gidea Park, Romford. The premise licence holder and designated premises supervisor (DPS) is a Mehmet Solak.

On 4th April 2012 at approximately 16:55 the premises were visited as part of an underage test purchase exercise. Two female volunteers were used, one aged 16 and one 17. The volunteers were sold a 75cl bottle of Stowell white wine (alc 12.5%vol). The sale was made by a Mr Barish Yildiz. Mr Yildiz failed to challenge the volunteers for their age or request any identification. Mr Yildiz was issued with a fixed penalty notice.

A refusal log was found on site but the last entries were dated 18/1/11 and 18/4/11, indicating that either the document was not being used or no sales had been refused since April 2011. The till prompt system was checked at the time of the sale and was found that it did not operate for the Stowell wine.

At interview the DPS, Mr Solak, was unable to produce any training records for his staff and relies on verbal training. He admitted he had not used a refusal log for over a year. He claims to operate till prompts but admitted they were not working with all alcoholic drinks, only some. Mr Solak had a drinkaware challenge 25 poster in the window but no other supporting paperwork to show he was actively operating the scheme.

It has been noted that the current licence has no conditions attached to it relating to underage sales. A visit was made to the premises on 27<sup>th</sup> June 2012 by myself and Senior Fair Trading Officer Sasha Taylor to discuss the matter with Mr Solak. It was suggested that conditions be added as we had concerns that he had insufficient systems and controls at his venue to effectively prevent underage sales.

This visit was followed up by a letter suggesting how Mr Solak could forward the matter and alleviate our concerns. A copy is attached marked KB/1. To date no response has been received.

Despite attempting to get the trader to implement better systems and controls at his venue to prevent underage sales the licensee has failed to take this advice on board. In light of the recent failure at the venue we would consider that additional conditions are necessary and proportionate to prevent further sales in the future.

We would therefore suggest that the following conditions, would address our concerns in relation to underage sales:

All staff shall be suitably trained for their job function for the premises. Documented refresher training shall be given every 6 months. This must be made available to a relevant responsible authority when called upon.

**CDGPG3** A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport.

**CDGPG4** 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.

CDGPG12 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for a period of twelve months.

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

Electronic till prompts will be operated at the venue and this will trigger when any alcoholic beverage is scanned.

We would also welcome any other conditions the committee feel are appropriate.



**Havering**  
LONDON BOROUGH

**Public Protection Manager**

**Housing & Public Protection**

London Borough of Havering  
5<sup>th</sup> Floor, Mercury House  
Mercury Gardens  
Romford RM1 3SL

Memhet Solak  
Gidea Park Groceries  
628 Upper Brentwood Road  
Gidea Park  
RM2 6HS

**Telephone: 01708 433425**  
Fax: 01708 432554  
email: sasha.taylor@havering.gov.uk  
Textphone: 01708 433175  
Date 18<sup>th</sup> July 2012

Dear Mr Solak,

**Licensing Act 2003**  
**Premise Licence number 002110**  
**Sale of alcohol to a minor**

I write with reference to our visit to your premise on 27<sup>th</sup> June 2012 where we discussed your current systems in place to prevent the sale of alcohol to persons underage.

As you are aware on the 4<sup>th</sup> April 2012 one of your members of staff, Barish Yildiz, sold alcohol, namely a bottle of Stowell white wine 12.5% vol, to a 16 and 17 year old person during a test purchase exercise. Under the above Act, it is a criminal offence to sell alcohol to a person under 18. A previous under age sale was made by a member of your staff on 16<sup>th</sup> February 2007. On both occasions it was noted that there were no till prompts in operation, the refusal log was not being maintained and there were no training records.

We are concerned by the failures at your venue and the lack of conditions on your current licence regarding the prevention of underage sales. We believe that additional systems should be adopted to ensure that future sales are prevented. We would therefore request that you apply to vary your licence to add the following conditions:

1. Training should be written into a programme ongoing and under constant review and must be made available to a relevant responsible authority when called upon.
2. 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.
3. 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, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
4. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.
5. Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

6. A Proof of age scheme, such as challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.
  
7. All tills should have prompts on them to remind staff to ask for identification.

By adopting these recommendations you will be positively addressing the trading standards concerns with regard to the failures and the protection of children from harm at your venue. This, in turn, will allow the service to support you with more confidence and can hopefully resolve the matter without the need of a licence review.

I would request that you confirm your position within the next 21 days. I would state If no response is received from you that the service may consider whether a licence review is necessary and we may instigate one without further communication with you.

The contents of this letter are important and it may be prudent to seek advice from a solicitor or licensing agent if you are unsure as to its contents.

If you or your representative have any queries concerning this letter please do not hesitate to contact me on the above number.

Yours sincerely

  
**Sasha Taylor**  
**Senior Fair Trading Officer**

**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

14/11/12

Capacity

SPECIALIST TRAINING STANDARDS OFFICER

**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.



## **Licensing Sub-Committee**

**Appendix 2** - Map of local area





Google

Address 577 Upper Brentwood Road

Address is approximate





**Havering**  
LONDON BOROUGH

Representations from  
Responsible Authorities







**METROPOLITAN  
POLICE**

**Working together for a safer London**

**Licensing Authority  
London borough of 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: 19th November 2012**

Dear Sir/madam,

Police wish to make representation in support of the review of the premises licence Gidea Park Groceries, 628 Upper Brentwood Road, Gidea Park RM2

The applicant clearly has not demonstrated steps in order to protect children from harm in his premises or taken a reasonable response in the responsible sale of alcohol. Children who obtain alcohol often go on to commit crime and or create disorder within our streets.

The borough of Havering was rated third out of thirty-three boroughs of London for alcohol fuelled violence, it is vital that retailers play a responsible part in selling alcohol and protecting children from harm.

Police feel that the conditions recommended by Keith Bush are appropriate and the police would further recommend the following conditions to be attached to the licence.

The CCTV requirement, this will assist in preventing crime and disorder and also assist in the investigation of any similar offences being reported to the police in the future. Proxy sale notices and clear window policies are essential and ensures adults are not buying alcohol for children, who often ask others outside, once they have been denied themselves. Single bottles and small bottles are often all children can afford and by eliminating the sale/risk this can further assist in preventing children from harm, along with the knock on effect of crime and or disorder.

The operator of this venue appears to have failed in protecting children from harm and police feel these conditions are appropriate in order to promote the licensing act.

**CD16** A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

**CD18** 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.

**CD19** 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.

**CD21** A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are 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.

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

- The front window of the store must be kept clear from any promotional posters or anything similar, staff are required to monitor outside the store to prevent any proximity sales. Warnings should be given to adults about the offence of buying alcohol for those under 18 if suspected.
- A personal licence holder will be on duty at times during licensable activity.
- The premises shall not stock any cans/bottles of lager, cider, beer or spirit based mixers unless they are in packs of four or more.
- No bottles of wine or spirits less than 70cl shall be sold from the premises.

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