

## Licensing Act 2003 – responsible authority representation

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

**Applicant:** El Mono Entertainment Ltd  
**Premises:** Gravity Bar, 322 Collier Row Lane, Romford, RM5 3NL

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**Name:** Oisin Daly  
**Organisation:** London Borough of Havering Licensing Authority  
**Address:** c/o Town Hall Main Road Romford RM1 3BD  
**Email:** oisin.daly@havering.gov.uk  
**Telephone no.:** 01708 433661

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### Objection summary:

This is the second application for a variation to the premises licence submitted in recent times.

During the initial application consultation period the premises had failed to adhere to the condition they seek to remove, undermining the prevention of crime and disorder licensing objective.

Within this consultation period the premises' operators again appear to have failed to adhere to the same condition – the evidence of the blue notice provided to the authority shows customers apparently drinking in the premises without any evidence that they are consuming a table meal with the alcoholic drinks.

During the course of the past year there have been several enforcement visits and inspections which show a record of non-compliance with the terms of the current premises licence. The new DPS made initial contact with the licensing authority regarding the removal of the alcohol ancillary to a table meal condition. Whilst this initial consultation was welcomed, no follow up contact occurred and therefore no agreements were able to be made.

The DPS is an employee who may easily be removed from the premises should the variation be granted; the premises licence holder remains the same. This raises concerns that, if granted, the variation could undermine the licensing objectives given the history of non-compliance at the premises.

### Policy considerations

13.1 When assessing the applicant's or licence holder's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into

account whether they

- 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.

13.2 Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.

13.3 The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged and the operating schedule for such applications will be expected to demonstrate robust arrangements for promoting the licensing objectives.

## **Representation**

The proposed variation application seeks to remove condition 1 on the licence:

1. Alcohol shall only be served to anyone purchasing a meal. The sale of alcohol shall only take place within operational hours and all alcohol thus sold shall be consumed on the property.

The nature of this condition is such that the premises must effectively be operating as a restaurant or café: any alcohol supplied must be ancillary to a table meal.

By removing this condition, the premises could operate unrestricted as a bar.

The use of the premises as a bar increases the risk of crime and disorder occurring: crime statistics are higher in wet-led establishments rather than in restaurants or cafes. Additional measures such as door staff may be required for establishments of this nature.

The licensing authority has little confidence in the operators to properly manage the premises without undermining the licensing objectives, primarily the prevention of crime and disorder.

This view is based on evidence of the condition above being apparently breached during

both application's consultation periods and a reluctance of management to address issues when brought to their attention.

The issues further to non-compliance of conditions and advice to vary the licence began in June 2023 and culminated with a site visit to discuss the variation. The site visit found that CCTV recordings showed the premises was disregarding the condition relating to alcohol being purchased with food.

The failure to adhere to conditions of the licence results in a breached licence which then leads to criminal offences occurring should licensable activity continue to be provided when the licence is in breach. The premises may therefore be subject to further enforcement action in these circumstances.

The licensing authority asks the licensing sub-committee to consider refusing this variation application. The premises has repeatedly failed to promote the licensing objectives by breaching the condition they seek to remove during the consultation period. This shows a disregard for compliance and may have potentially led to criminal offences being committed. Were the variation application to be granted it would be difficult to trust that the premises' operators would adhere to any additional conditions which may be offered or deemed appropriate to promote the licensing objectives.

#### Chronology of events:

##### 06<sup>th</sup> June 2023 –

An article in the Romford Recorder promoting the premises appeared to show the premises operating unlawfully. This was addressed by way of an email by myself to the operators which contained the following remarks:

*"The licence also states by way of a condition that alcohol must only be sold with a meal (condition 1), please ensure that this is adhered to."*

A copy of the licence was attached to the email.

##### 16<sup>th</sup> June 2023 –

No reply received to emails.

Site visit conducted by public protection officers O Daly and K Conway. Several conditions of the licence were found to be in breach. The premises licence holder and DPS were not present on site.

##### 19<sup>th</sup> June 2023 –

The following email was received:

Dear Mr. Oisin Daly,

Thank you for email earlier. I am Hari Potru, one of the partners in the business and we had been communicating with you earlier in relation to the licensing matter. It was brought to my attention last weekend that there are some concerns that needed addressing immediately. Let me apologise for the delayed response as I had been away from business on some personal work.

we obtained the licence in the name of el mono entertainment ltd , however , our concerns are as below:

- 1) we are now trading as Gravity - Please suggest us to fill the relevant forms to reflect the trading name
- 2) we would like to introduce to serve the customers those who wish to come and drink, rather than purchasing a meal. Please advise us on relevant forms to submit.
- 3) As you mentioned, we would like to utilise the provision and continue serving customers upstairs until sep 2023, however, we would rather make an application to vary the premises usage. Therefore please advise us with a step by step process to get this in place before sep 2023.
- 4) Ashok Duppati is one of our friends and is NO WAY connected to this business. On companies house Mr. Praveen Vejandla is the sole director - who is also involved actively in day to day operations. Hence you may seem him at the business more frequently than me.

We would love to work with you and please hep us by guiding in the right direction as we have NO intention to disobey the council / licensing rules.

If you are around in the area, I would be delighted to meet you. Please let us know your plans so that I can make myself available to meet you.

I look forward to hearing from you in due course.

Thank You  
Hari Potru

19<sup>th</sup> June 2023 –

Reply to Mr Potru:

Hello,

1. There is a fee of £12.50 to change the trading name.
2. You will need to submit a full variation, guidance on this process can be found on our website. You may seek the assistance of a solicitor or agent as it is not a straightforward process.
3. That is written in legislation and expires in Sept 2023, you do not need to do anything. You still must adhere to the licence condition of serving alcohol with food.
4. Noted.

Going forward you will need to make a variation.

Until such a time that variation may be granted then you must continue to serve table meals with every alcoholic drink served.

19<sup>th</sup> June 2023 –

Warning letter issued to the licence holder, attached in Appendix.

19<sup>th</sup> June-23<sup>rd</sup> June –

Email exchanges back and forth detailing steps required. Pointed out in this exchange is the necessity for a variation application and methods to undertake as well as how to complete a change of name. Only a change of name of the venue was received.

31<sup>st</sup> October 2023 –

Email received:

**From:** EL Mono <[elmonoentertainment@gmail.com](mailto:elmonoentertainment@gmail.com)>

**Sent:** 31 October 2023 14:19

**To:** Oisin Daly <[Oisin.Daly@haverling.gov.uk](mailto:Oisin.Daly@haverling.gov.uk)>

**Subject:** Variation to alcohol licence

Dear Oisin Daly,

I am writing to you in relation to variation of licence for our business. At the moment we have a condition on licence whereby we serve food along with alcohol, however, we would like to apply for a change to this condition, so that we can also serve alcohol alone should a customer decides not to buy a meal. This is because we are losing a lot of loyal clients who were turned away as they didn't buy a meal.

There have been no issues or inconvenience to members of public so far, as all our customers are local & well behaved. It is getting difficult to survive without the flexibility of serving drinks alone.

Can you please suggest, how to proceed?

Thank you

31<sup>st</sup> October 2023 -

Email sent in reply to the venue including the previously sent email and indicating the point that a variation application would be required.

20<sup>th</sup> November 2023 –

Email sent to licence holder detailing the need for a variation and outlining that enforcement may be the next step. A reply from licence holder was received advising that solicitors had been instructed 10 days ago.

04<sup>th</sup> December 2023 –

Application received to vary licence to remove alcohol ancillary condition

15<sup>th</sup> January 2024 –

Application rejected due to procedural irregularity.

17<sup>th</sup> January 2024 –

New variation application received to remove alcohol ancillary to a table meal condition

24<sup>th</sup> January 2024 –

Site visit arranged to discuss variation; PC C Stockman and O Daly present along with staff members. No DPS or premises licence holder on site for the visit. CCTV viewed showing further breaches of the licence. Evidenced in Appendix A.

26<sup>th</sup> February 2024 –

Application Withdrawn

28<sup>th</sup> March 2024 –

DPS varied to Senthurnathan Tharmalingam

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**Other documents attached**

Appendix A – Photos of CCTV showing alcohol being consumed without a meal.

Appendix B – Email exchanges

1. 19-23 emails
2. 31 Oct emails
3. 20 Nov emails

Appendix C – Blue public notice photograph showing patrons internally consuming alcohol with a table meal.

**Signed** *Oisín Daly*

**Dated 14/05/2024**