

Premises Licence Review

Costcutter

18A Station Lane

Hornchurch

RM12 6NJ

Contents

Licensing Officers report

Map of the area

Current premises licence

Application

Responsible authority representations

Licensing Officers report



**LICENSING
SUB-COMMITTEE**

REPORT

Date 10 August 2011

Subject heading:

Costcutter
18a Station Lane
Hornchurch RM12 6NJ
Premises licence review
Paul Jones, Licensing Officer
Mercury House, ext. 2692

Report author and contact details:

This application to review a premises licence is made under section 51 of the Licensing Act 2003 by Mr Keith Bush, Operations Divisional Manager for Havering's Trading Standards Service. The application was received by Havering's Licensing Authority on 24th June 2011.

This Costcutter outlet is a single storey convenience store located in the town centre of Hornchurch. The premises licence which authorises the supply of alcohol is held by Mr Vikas Goyal, who is also the venue's designated premises supervisor (DPS). Outside the premises is a bus stops at which the area's school children wait to board and get off buses to and from school. At certain times of the day, therefore, the immediate area is densely occupied by young people.

Application to review

In his review application Mr Bush contends that the premises has sold alcohol to underage volunteers on three occasions since July 2010. The most recent underage sale of alcohol took place on 4th June 2011. A previous underage sale was made at the premises in August 2009. Mr Bush is of the belief that the premises has repeatedly failed in its duty to promote the licensing objectives relating to the protection of children from harm and the prevention of crime and disorder.

Premises' history

The premises licence for this venue was granted to Mr Goyal in February 2009. The first underage alcohol test purchase failure occurred in August of that year. In October 2010 Mr Bush enacted section 169A(1)(a) of the Licensing Act 2003 after the premises had failed three underage alcohol test purchase failures in a three month period contrary to section 147A(1) of the Licensing Act 2003. Consequently the premises was required to cease the sale of alcohol for 48 hours from 09:00hrs on 29th October 2010.

Licensing Sub-Committee, 10 August 2011

On 6th June 2011 a meeting was held between the premises licence holder and representatives of Havering's Trading Standards Service, the Police and Havering's Licensing Authority. During this meeting Mr Goyal advised those present that he is the only member of staff who holds a personal licence and that he is in attendance at the premises for approximately 50% of the 112 hours per week during which alcohol may be sold at the premises. Annex 2 condition 8 of the premises licence requires that a personal licence holder is present when all sales of alcohol are made. There appears to be no provision in place with regard to annex 2 condition 8 for the 56 hours per week when Mr Goyal is not at the premises. Alcohol appears to be made available for sale at the premises during all 112 hours per week.

On 24th June 2011 at approximately 13:20hrs an authorised officer from Havering's Licensing Authority made a test purchase of alcohol at the premises. A bottle of Stella Artois beer was purchased for 99p from the premises' lone staff member, named Gopi. Gopi did not possess a personal licence and neither was there a personal licence holder present at the premises.

Representations

Ms Eileen Collier, Service Manager, Safeguarding & Service Standards Unit of Havering's Children and Young People's Services, makes representation in support of this application to review the premises licence at Costcutter 18a Station Lane Hornchurch. Ms Collier contends that *children and young people do not always understand the risks that are prevalent in certain behaviours and it is the responsibility of those with authority to ensure their protection is prioritised.* Additionally, Ms Collier *fully supports the suggestion made by Trading Standards that consideration be given to revoking the premises licence.*

PC Leonard on behalf of the Metropolitan Police makes representation in support of this application. PC Leonard contends that *the premises has all too frequently been operating in contravention of the current conditions on its licence and the management has failed to satisfactorily address the promotion of all four of the licensing objectives with particular emphasis on the protection of children from harm.* PC Leonard goes on to suggest that *the revocation of the premises licence should merit serious consideration.*

Licensing Authority requirements

The provisions of section 51 of the Licensing Act 2003 dictate that the Licensing Authority undertake certain functions with regard to a premises licence review application. To this end a public notice advertising this application, and inviting interested parties and responsible authorities to make representations against or statements of support for the application, was placed, with a staff member's permission, in the premises' window on 27th June 2011. The same notice was also installed at Havering's Town Hall notice board on Main Road, Romford and placed on Havering's website. A copy of the notice is attached for reference.

Licensing Sub-Committee, 10 August 2011

When determining an application for a premises licence review section 52(3) of the Licensing Act 2003 requires that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in section 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

Copies of all representations and supporting documentation are attached for reference.

Paul Jones
Licensing Officer



Havering

LONDON BOROUGH

LICENSING ACT 2003 APPLICATION TO REVIEW A PREMISES LICENCE

Costcutter 18a Station Lane Hornchurch RM12 6NJ

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

GROUND FOR REVIEW

The premises has failed four underage alcohol test purchases since August 2009.

Any interested party or responsible authority wishing to make representation on this matter must do so in writing to: Licensing Section, 10th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL between 25th June 2011 and 22nd July 2011.

The public register of Havering's Licensing Authority containing the grounds for this review may be inspected by appointment at the above address by telephoning 01708 432777 Monday to Friday 09:00hrs to 17:00hrs or at www.havering.gov.uk.

It is an offence to knowingly or recklessly make a false statement in connection with an application for a review. On summary conviction a person is liable to a fine not exceeding level 5 on the standard scale (currently £5000).

Map of the area



Costcutter 18a Station Lane Hornchurch

Map Reference: TQ5487SW
Date: 13/07/2011

Scale @ A4
1:1250

Scale
0 10 20 30 40 50 m



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



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Application

10429

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, Operations Divisional 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	
<p style="text-align: center;">Costcutter 18a Station Lane Hornchurch</p>	
Post town Essex	Post code (if known) RM12 6NJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Vikas Goyal

Number of premises licence or club premises certificate (if known) 007178

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, Operations Divisional 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"/> |

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. Costcutter's in Hornchurch has sold alcohol to underage volunteers on three occasions since July 2010, the latest sale occurring on 4th June 2011. The venue has failed a total of 4 underage sales since August 2009. We believe these failures at the venue demonstrate that the premises have repeatably 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)

Costcutters is an off licence/grocers at 18a Station Lane, Hornchurch. The premise licence holder and designated premises supervisor (DPS) is a Vikas Goyal.

On 6th August 2009 at approximately 13:00 a sixteen year old male volunteer was sold a bottle of Magners cider (4.5%vol). The sale was made by a Rashmi ZALA. Ms ZALA did not challenge the volunteer as to their age or request any ID. Ms ZALA was not a personal licence holder and was issued with a fixed penalty notice for the offence.

On 11th September 2009 the premises was revisited at approximately 18:50 with a fifteen year old volunteer. On this occasion ID was requested and the sale was refused.

In the summer of last year the trading standards service attended a problem orientated partnership meeting regarding an increase in crime and anti-social behaviour in Hornchurch. During the meeting a number of venues were identified as potential problem premises and one of these was Costcutters, Station Lane. As a result the premise was subject to three test purchases and the results were as follows:

On 31st July 2010 at approximately 17:35, a fifteen year old female was sold 1x750ml bottle of Smirnoff Ice vodka (4%vol) & 1x750ml bottle of Lambrini Light (5.5%vol) by Mayuri MANDIR. Ms MANDIR did not challenge the volunteer as to their age or request any ID. Ms Mandir was not a personal licence holder and was issued with a fixed penalty notice. After the sale Ms Mandir confirmed that she had only worked in the shop for two days and had not received any formal training.

On 18th August 2010 at approximately 20:30, a seventeen year old female volunteer was used. The volunteer was asked for their age and the sale was refused.

On 2nd October 2010 at approximately 18:45, a sixteen year old female was sold 1x75cl bottle of Stowells Zinfandel wine (11%vol) by Adrian PAUL. Mr PAUL did not challenge the volunteer as to their age or request any ID. Mr Paul claimed to be a full time supervisor however was not a personal licence holder and was issued with a fixed penalty notice. The refusal register had not been used since 18th September 2010.

Using new powers under the Licensing Act 2003 the venue accepted a 48 hour closure notice in lieu of prosecution for persistently selling alcohol to minors. The venue closed from 29th October 2010 till 31st October 2010.

Following the closure Mr Goyal agreed to operate a challenge 25 scheme at the venue and was supplied with the trading standards service's challenge 25 pack. The pack contains posters, a refusal register and guidance on practical steps to prevent underage sales.

Following the closure notice the venue was retested on 25th November 2010. At approximately 17:20, two volunteers, one fourteen and one fifteen year old attempted to purchase alcohol. The sale was refused.

In May 2011 the trading standards service received information from the Integrated Youth Service that it appeared that Costcutters in Hornchurch may be responsible for underage sales of alcohol in Hornchurch.

On 4th June 2011 the venue was visited and at approximately 17:50 a seventeen year old female volunteer was sold of 1x 75ml bottle of BLOSSOM HILL rose (10%VOL) by Hitesh Bhimjibhai RADADIYA. Mr Radadiya did not challenge the volunteer as to their age or request any ID. Mr Radaiya confirmed after the sale that he had only been at the venue for two weeks and was not authorised to work behind the counter. The man in charge, who was identified as Manan SHUKLA had been at the venue for three months and was not a personal licence holder. Neither man had any grasp of challenge 25 and neither could find the refusal register. Manan SHUKLA seemed unable to understand what the document was and constantly required Mr RADADIYA to explain everything to him during our visit.

There were considerable difficulties communicating with both men and there appeared to be very little understanding of anything we were trying to say to them. We were very concerned at leaving the premises with these men in charge and only agreed once the DPS confirmed he would return to the premises.

Having left the venue as we drove past I noticed three young girls who looked to be approximately 15 hanging outside the premises. It appeared to me that they were about to attempt to purchase alcohol or cigarettes and we decided to return to the venue. I phoned PC Leonard who was in a different car. He had also seen the girls and was intervening in what appeared to be an attempted proxy sale.

On 6th June 2011 at the request of Mr Goyal an urgent meeting was held with Licensing, the Police and Trading Standards. Mr Goyal explained that on the day of the most recent sale his manager Mr MANDIR was in India. Mr Goyal was warned as to the serious position his business was in and it was suggested that in the short term Mr Goyal should stop selling alcohol altogether and to consider surrendering his licence if he wished to avoid review. Mr Jones from Licensing advised Mr Goyal that there was a condition on his licence to ensure that a personal licence holder was present at all times when alcohol was being sold. This was certainly not the case on 4th June 2011 and Mr Goyal conceded he had no one with a personal licence on his staff. In light of the stores opening hours it was clear that there was rarely a personal licence holder at the premises, particularly at weekends and evenings when the sales were occurring. Mr Leonard suggested that the window in the premises be cleared of advertising promotions to ensure that staff in the venue had clear sight of what was occurring in the street outside.

On 9th June 2011 I visited Costcutters with my colleague Diana Diaz. Although some of the window had been cleared there were still two very large promotional posters at eye height and some boxes of crisps were obscuring the window. In addition the challenge 25 poster in the window by the door was obscured by some advertising material. I requested Mr Goyal rectify all of these issues. I was also concerned that the quantity of alcohol in the venue did not appear to have reduced by very much.

There has been some email correspondance from Mr Goyal and he has attempted to address some of our concerns. I do feel however that despite these assurances that a licence review is necessary.

The premises has made three sales in less than a year and four sales in recent times. None of the members of staff making the sales have been personal licence holders. The quality of the two members of staff on 4th June 2011 can only be described as appalling. I do not believe either would be capable of ensuring that any of the licensing objectives were being adhered to.

The venue has a mixed history when it comes to refusing sales but there are some patterns to the failures. All have occurred after 5pm and no personal licence holder has been present. The location of the venue near a busy bus stop is attractive to

youths and requires constant dilligence to ensure underage sales are not made. Mr Goyal has proved on numerous occassions that he is unable to select staff that are sufficiently competent to work in such a venue.

Mr Goyal has failed to adhere to his current licence conditions by ensuring a personal licence holder is on site at all times. If this had occurred all four sales may have been prevented. In addition to this Mr Goyal has been issued with a 48 hour closure notice for persistent sales over last summer. I would therefore suggest that at very least a long suspension of licence is appropriate and would give Mr Goyal time to find better qualified and competent staff. I would also suggest that the licensing hours at this venue are restricted to 5pm as the management appear to be unable to prevent sales after this time and is a time when anti social behaviour begins to rise.

I have concerns over the yo-yo pass/failures at the venue which leads me to question whether the management will ever be able to ensure compliance in the longer term. They seem to step up their game every time there is a failure and then slip back into poor practices once the failure has been forgotten. The venue is not learning its lessons from the failures and has been unable to make long term, sustained improvements. I would suggest therefore that the failure to adhere to the requirement of having a personal licence holder present and in light of the inability to make long term changes at the venue that consideration should be given to revoking the premise licence.

Please tick yes

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

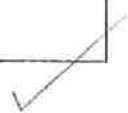
If yes please state the date of that application

Day Month Year

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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

24th June 2011

Capacity

RESPONSIBLE AUTHORITY - OPERATIONS DIVISIONAL 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.



Havering
LONDON BOROUGH

John Wade
Public Protection Manager

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

Costcutter
18a Station Lane
Hornchurch
Essex
RM12 6NJ

Telephone: 01708 433425
Fax: 01708 432554
email: keith.bush@havering.gov.uk
Textphone: 01708 433175
Date: 7th October 2010

Dear Sir/Madam,

**Persistently Selling Alcohol to Children
Licensing Act 2003**

As you will be aware members of your staff have made underage sales of alcohol to our volunteers on two occasions in less than 3 months.

This Service is considering taking action against you under section 147A of the licensing Act 2003 for persistently selling alcohol to children. However on this occasion we are prepared to proceed with the matter by way of a 48 hour closure. Enclosed with this letter is the relevant paperwork. As you can see the dates we would require you to cease selling alcohol would be 29th October 2010 from 9:00 am and the premise can reopen as usual on 31st October 2010 at 9:00am.

If you are in agreement with this course of action I would request that you confirm this decision either in writing or by email within the next 14 days.

I would remind you that underage sales of alcohol fuel anti social behaviour and are viewed very seriously by this Authority. Whichever way you choose to proceed your systems and procedures must be improved to ensure that no further sales are made.

If you have any queries in relation to this matter or wish to discuss it further please do not hesitate to contact me on 01708 433425.

Yours faithfully

Keith Bush
Operations Divisional Manager

Cc Environmental Health Licensing
Mr Vikas Goyal, 36 Noak Hill Road, Billericay, Essex, CM12 9UG

Community
Legal Service



0294



INVESTOR IN PEOPLE

Public Protection Bringing together Environmental Health & Trading Standards

(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises)

First unlawful sale:	31 st July 2010 at approximately 17:35, a fifteen year old female was sold 1x750ml bottle of Smirnoff Ice vodka (4%vol) & 1x750ml bottle of Lambrini Light (5.5%vol) by Mayuri MANDIR
Second unlawful sale:	2 nd October 2010 at approximately 18:45, a sixteen year old female was sold 1x75cl bottle of Stowells Zinfandel wine (11%vol) by Adrian PAUL
Third unlawful sale:	

9. Proposed period (maximum 48 hours) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):

From	Time: 9 : 00 : am	To	Time: 9 : 00 : am
	Date: 29 / 10 / 2010		Date: 31 / 10 / 2010

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may be exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, all premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail within 14 days of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

Private and Confidential

Mr Vikas Goyal
36 Noak Hill Road
Billericay
Essex
CM12 9UG

Telephone: 01708 433425
Fax: 01708 432554
email: keith.bush@havering.gov.uk
Textphone: 01708 433175
Date: 24^h June 2011

Dear Mr Goyal,

Licensing Act 2003
Review of Premise Licence
Costcutter, 18a Station lane, Hornchurch, Essex

Please find attached an application for a review of the above mentioned premise licence.

Should you require any further information regarding this matter please do not hesitate to contact me on 01708 433425.

Yours Faithfully



Keith Bush
Operations Divisional Manager

Cc:
London Fire and Emergency Authority
Metropolitan Police
Environmental Health (Licensing Section)
Environmental Health (Health & Safety Section)
Environmental Health (Public Health Section)
Planning Control & Enforcement
Children & Families Service

Current premises licences



Premises licence number

007178

Part 1 - Premises details

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

Costcutter
18A Station Lane
Hornchurch
RM12 6NJ

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday
07:00hrs – 23:00hrs

The opening hours of the premises

Monday to Sunday
07:00hrs – 23:00hrs

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

Off supplies only

1 of 4

Signed
Steve Bromley, Licensing Officer

Part 2

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

Mr Vikas Goyal
36 Noak Hill Road,
Billericay,
Essex
CM12 9UG
Tel – 07914845427

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

Not applicable

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

Mr Vikas Goyal






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

BAS/PM002001
Basildon District Council

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

1. 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 or leaving the premises.
2. The CCTV system must obtain a clear head and shoulders image of every person entering the premises.
3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month.
4. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
5. Appropriate signage informing customers and staff of the presence of CCTV in the premises will be displayed.
6. There will be no consumption of alcohol on the premises.
7. 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, and must be available to a relevant Responsible Authority when called upon.
- * 8. A Personal Licence holder will be present when all sales of alcohol are made. *
9. Staff and owner will co-operate with all police initiatives to discourage crime and disorder.
10. Alcohol will be sited away from the confectionary stands.
11. Posters advertising Challenge 21 will be prominently displayed.
12. Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points advising customers that they may be asked to produce evidence of their age.
13. 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.

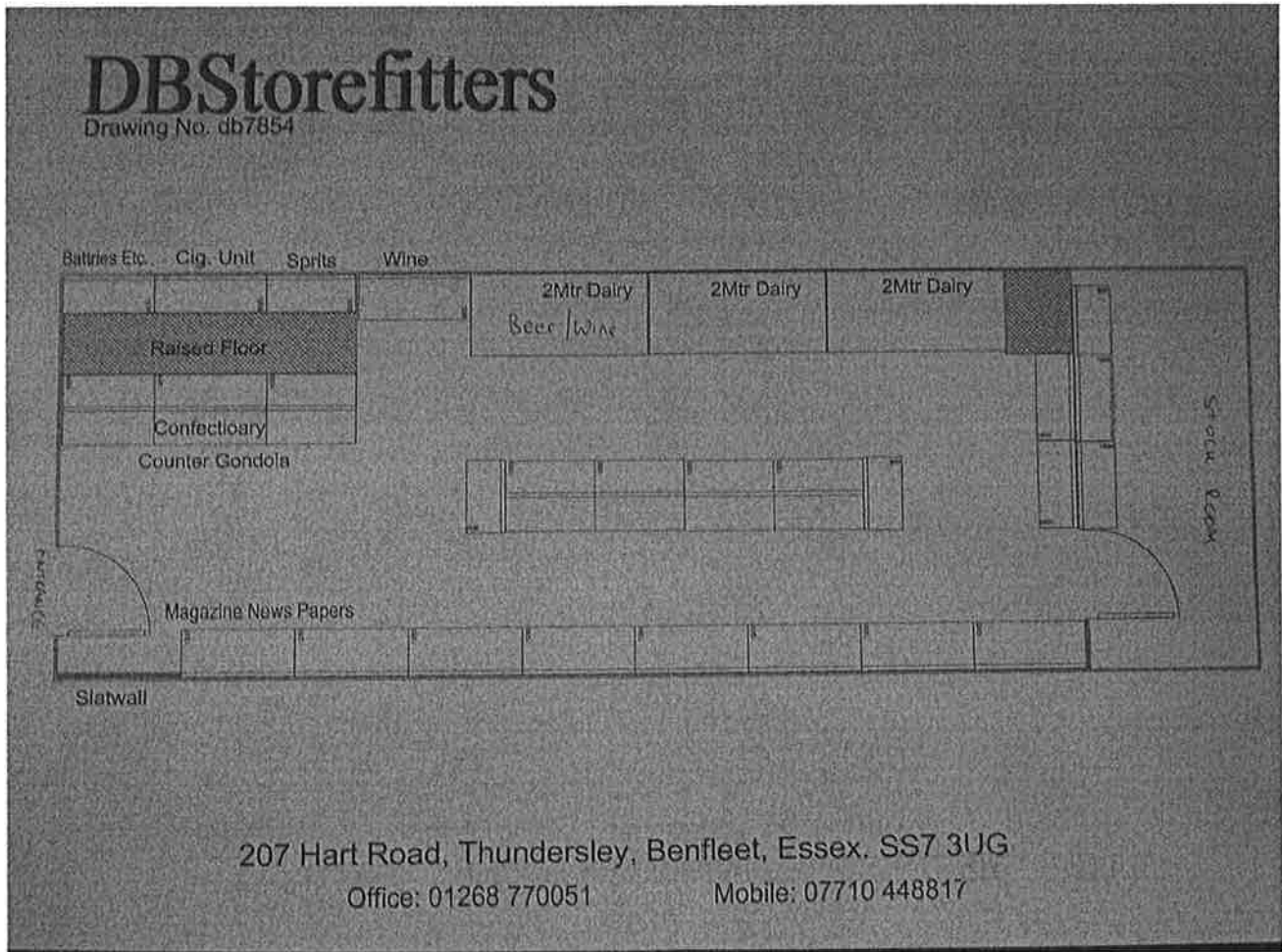
3 of 4

Signed
Steve Bromley, Licensing Officer

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

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

Annex 4 – Plans





Part B

Premises licence summary

Premises licence number

007178

Premises details

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

Costcutter
18A Station Lane
Hornchurch
RM12 6NJ

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday
07:00hrs – 23:00hrs

The opening hours of the premises

Monday to Sunday
07:00hrs – 23:00hrs

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

Off supplies

1 of 2

Signed
Steve Bromley, Licensing Officer

Name, (registered) address of holder of premises licence

**Mr Vikas Goyal
36 Noak Hill Road,
Billericay,
Essex
CM12 9UG
Tel – 07914845427**

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

Not applicable

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

Mr Vikas Goyal

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

Not restricted

2 of 2

Responsible authority representations



Havering
LONDON BOROUGH

Eileen Collier
Service Manager – Safeguarding &
Service Standards Unit

Children and Young People's Services
London Borough of Havering
Mercury House
Mercury Gardens
Romford RM1 3RX

Paul Jones
Licensing Officer
Environment & Planning
10th Floor
Mercury House
Romford

Telephone: 01708 434315
Fax: 01708 433068
email: eileen.collier@havering.gov.uk

Date: 8th July 2011

Dear Paul,

RE : License Application: Costcutters, 18a Station Lane, Hornchurch, Essex.

I write in response to the application for review of a premises licence under section 51 of the Licensing Act 2003. The application was made by Trading Standards in relation to the above named premises.

As the responsible authority for the protection of children from harm, Children Social Care writes to support the application to review on the grounds that children are not being protected from underage drinking at this establishment.

Children Social Care is concerned for the apparent inability of Costcutters to provide appropriate management oversight of staff and the subsequent result of staff being unable to protect children from harm.

Children and young people do not always understand the risks that are prevalent in certain behaviours and it is the responsibility of those with authority to ensure that their protection is prioritised. Underage sales have been made when management has not been present. This pattern suggests that staff are not provided with appropriate guidance to assist them to make correct judgements when deciding whether to question or refuse a sale.

Children Social Care fully supports the suggestion made by Trading Standards that consideration be given to revoking the premises license.

Yours sincerely

Eileen Collier
Service Manager
Safeguarding and Service Standards



**METROPOLITAN
POLICE**

Working together for a safer London

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

Your Reference:

Our Reference:

**Dave Leonard PC231KD
Romford Police Station
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RM1 3BJ**

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Dave.Leonard@met.police.uk

Date: 13th July 2011

Dear Sir,

Re- Application For A Review of A Premises Licence
Costcutter, 18a Station Lane, Hornchurch RM12 6NJ

With reference to the above, the Police *wish to make representation* in support of the application to Review a Premises Licence received on 24th June 2011 registered by Mr Keith Bush, LBH Trading Standards Service.

It is the police contention that the premises has all too frequently been operating in contravention of the current conditions on its licence and the management has failed to satisfactorily address the promotion of all four of the licensing objectives with particular emphasis on the protection of children from harm.

Figures released by the Home Office following a 'Know Your Limits' National Awareness Campaign showed that **7/10** A&E peak time admissions, **8/10** pedestrian road deaths on Friday and Saturday nights and **1/2** of all violent crime is alcohol related. In the recent Home Office Alcohol Misuse Enforcement Campaign, the Trading Standards Office conducted a number of test purchase exercises on off-licensed premises resulting in a **21%** failure rate.

As Havering Borough Licensing Officer for over ten years, I am aware that this premises has come to police attention on several occasions with the recurring inference that sales of alcohol are being made to children under the age of eighteen years. I have attended the premises on several occasions to discuss this recurring theme and I have now been involved in **four** test purchase initiative failures at these premises. On each occasion there was no personal licence holder on the premises - a breach of a condition on the premises licence - and the staff members displayed an alarming lack of knowledge of the Licensing Act or even minimal expectations when supposedly employing a Challenge 21 policy. There were virtually no other customers in the shop giving the staff concerned absolutely no excuse to ensure that the correct challenges were made.

Observations and Recommendations

When seeking a Review of a Premises Licence, it must be asked what the applicant hopes to achieve from the Hearing. During a sustained period not enough has been done by the management at Costcutters to address the promotion of the four licensing objectives. Underage drinking continues to be highlighted in the national media. The Police are concerned that there are underlying problems at these premises. Despite several meetings following previous test purchase failures and constructive assistance offered, the management have been unwilling or unable to address these concerns. Indeed, the verbal and written assurances offered to the police and Trading Standards office by the premises licence holder, Mr Vikas Goyal, only two days after the last test purchase failure in June proved to be nothing more than lip service with no significant improvements being honoured. It is the police contention that, with the protection of children from harm being of paramount importance and genuine concern, the premises is not currently or confidently addressing these objectives and the revocation of the premises licence should merit serious consideration.

If I can be of any further assistance in this matter please do not hesitate to contact me in the Licensing Office at Mercury House on **01708 432781**.

Yours sincerely,



Dave Leonard
Licensing Officer
Havering Borough Police

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Dave LEONARD** URN:

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Age if under 18 **Over 18 years** (if over 18 insert 'over 18') Occupation: **Police Constable 175448/231KD**

This statement (consisting of: **3**..... 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 in it which I know to be false, or do not believe to be true.

Signature:  Date: **13th July 2011**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 231KD Dave LEONARD. I am a serving police officer with thirty-one years experience and transferred to Havering Borough in 1992. I have worked with the Licensing department since 1999 and been employed as the Borough Licensing Officer since April 2004.

The following statement relates to the dealings in my capacity as the Borough Licensing Officer I have had with the staff and management at COSTCUTTER, 18A STATION LANE, HORNCHURCH RM12 6NJ since the premises licence was granted to Mr Vikas GOYAL on 25TH FEBRUARY 2009. Shortly afterwards, I visited the premises with Local Authority Licensing Officer Steve BROMLEY to introduce myself and offer a point of contact, go through the terms and conditions of the premises licence, discuss the management role and responsibilities and the convey the standards and expectations by the Police and Local Authority. This included the need to remain vigilant with age and ID checks at a venue with a transitory bus stop situated directly outside. Mr GOYAL stated that there would be the presence of a personal licence holder at time of sale if the customer looks under 21. Mr GOYAL also made assurances that his staff would be suitably trained and, as the business venture is primarily a family-run affair, he was seeking to ensure that his staff will all be personal licence holders. Indeed, I only withdrew my representation against this application following these assurances given by Mr GOYAL and his acceptance of a number of standard conditions, such as installing a satisfactory CCTV system in the premises, being imposed on the licence.

On 8TH JULY 2009, I drafted an advisory notification letter to the designated premises supervisors of every off-licence premises in Havering requesting their increased vigilance and adherence to a Challenge 21 Policy to coincide with the school summer holiday period. The letter offered guidance and provided useful contact information and was distributed in person to the DPS's by officers from the local Safer Neighbourhood Ward Teams and evidence of service was subsequently recorded in the delivering officer's pocket book. On THURSDAY, 16TH JULY 2009 at 7.55PM a copy of this notice was served to the DPS at COSTCUTTER, Mr Vikas GOYAL, by PCSO 7217KD Dawn MAY against a note in her pocket book. This was subsequently confirmed to me in an e-mail dated 12th AUGUST 2009 sent by her ST ANDREWS Ward SNT supervisor, PS Paul MURRAY.

On 10TH AUGUST 2009, I am aware that the London Borough of Havering Licensing Authority received a call from the aggrieved mother of a girl who has just turned sixteen years old and had been able to purchase alcohol at a Costcutter off-licence in Hornchurch. I made several attempts to contact the woman and, on 12th AUGUST 2009 at 12.20PM, she returned my call. The mother appeared very genuine and plausible and claimed that her daughter had bought some bottles of Lambrini and White Lightning cider together with her friends at COSTCUTTER, HORNCHURCH, a relatively new shop and off-licence that had recently opened next to the HOGSHEAD pub. She stated that her daughter and friends were going to a party and she got the impression from her mother/daughter talk that this is the venue where the kids go to because they are confident of getting served. She described her daughter as a 16 year old, white European girl, 5'05" tall, not big built but well developed for her age. The mother claimed that whilst her daughter can look older, she would not pass a challenge 21 test and she was with a number of girls who would never pass for eighteen. The woman did not wish to make an official statement for fear of destroying the bond with her daughter who was unaware that her mother has contacted the police. The alcohol was allegedly sold by staff to her daughter on FRIDAY 7th AUGUST 2009 between 7-7.30PM.

I am aware that on THURSDAY 6TH AUGUST 2009, Trading Standards officers conducted a test purchase at the premises and a sale of Magners cider was made to a sixteen year old volunteer by Mrs Rashmi ZALA. She was issued with an £80 fixed penalty notice, number 01/A70571970, by WPC 216KD Stacey MATTHEWS. This evidence tends to support the intelligence provided by this concerned mother.

Signature: Signature witnessed by:

Continuation of Statement of

On FRIDAY 11TH SEPTEMBER 2009 from 6.45PM, in partnership with LBH Trading Standards Officers, Ms Diana DIAZ, Ms Katalin MORATH and Mark LANCOD, and a 15 year old female volunteer, I conducted a series of test purchase initiatives to ensure management compliance with regard to the responsible sales of alcohol at a number of licensed premises. At 6.50PM, the volunteer entered COSTCUTTER and was asked to produce ID. She was subsequently refused the sale of alcohol.

On SATURDAY 31ST JULY 2010 from 5.20PM, in partnership with LBH Trading Standards Officers, Mrs Sasha TAYLOR, Ms Diana DIAZ and Ms Katalin MORATH, and a fifteen year old female volunteer, I conducted a series of test purchase initiatives to ensure management compliance with regard to the responsible sale of alcohol at a number of licensed premises. At 5.35PM at COSTCUTTER, 18A STATION LANE HORNCHURCH RM12 6NJ, the sale of 1x750ml bottle of Smirnoff Ice vodka (4%vol) and 1x750ml bottle of Lambrini Light (5.5%vol) was made to the volunteer by Mrs Mayuri MANDIR, b.22/02/1978, of 93-95 COMMERCIAL ROAD ALDGATE EAST LONDON E1 1RD. She was working in the shop with her husband, Mr Raushik MANDIR, b.22/05/1976, and admitted to having only worked in the shop for two days. She had not received any formal training and neither of the MANDIR's were personal licence holders. Mrs MANDIR had limited command of the English language. I issued her with an £80 fixed penalty notice no. 01/A66118247. The Designated Premises Supervisor, Mr Vikas GOYAL, was not at the premises and was not contactable on the mobile number provided. The penalty notice was subsequently confirmed as paid on 25TH AUGUST 2010.

On WEDNESDAY 18TH AUGUST 2010 from 5.20PM, in partnership with LBH Trading Standards Officers, Mrs Sasha TAYLOR, Ms Diana DIAZ and Ms Katalin MORATH, together with a seventeen year old female volunteer, I conducted a series of test purchase initiatives to ensure management compliance with regard to the responsible sale of alcohol at a number of licensed premises. At 8.30PM, a test purchase was conducted at COSTCUTTER, 18A STATION LANE HORNCHURCH and the DPS, Vikas GOYAL, asked the volunteer's age and refused the sale.

On SATURDAY 2ND OCTOBER 2010 from 4.40PM, in partnership with LBH Trading Standards Officers, Ms Diana DIAZ, Mr Mark LANCOD and Ms Katalin MORATH, together with two volunteers aged 14years and 16years, I conducted a series of follow-up test purchase initiatives to ensure management compliance with regard to the responsible sale of alcohol at a number of licensed premises. At 6.45PM at COSTCUTTER, 18A STATION LANE HORNCHURCH, a 75cl bottle of Stowells Zinfandel wine (11%vol) was sold to the female volunteer by Mr Adrian PAUL, b.13/05/1977, of WEST LODGE HARWOOD HALL LANE UPMINSTER RM14 2YG. He was working in the shop as the full time supervisor. He was not a personal licence holder. He admitted that he was aware that the shop had now failed three test purchase initiatives. He showed a refusal register that had not had an entry since 18TH SEPTEMBER 2010. He was issued with PND no. 01/A66142334 The DPS, Vikas GOYAL, was not at the premises and was once again not contactable on his mobile number.

Once again the initiative proved that the venues most likely to be a problem to the local community are the ones that are prepared to leave untrained, unsupervised assistants with little or no local knowledge or understanding in charge of age-restricted products. Without doubt the COSTCUTTER franchised premises were the poorest performers.

Following this latest test purchase failure and subsequent interview with the premises licence holder, Mr GOYAL, COSTCUTTER was served with a 48hour closure notice. This was one of three premises served with 48-hour closure notices in response to committing repeated offences of selling alcohol to underage persons and as a result no alcohol was sold from COSTCUTTER, 18A STATION LANE HORNCHURCH between 7AM on 29TH OCTOBER & 7AM on 31ST OCTOBER 2010. Interestingly, locally reported anti-social behaviour & disorder over this period was considerably reduced from previous years.

On THURSDAY 25TH NOVEMBER 2010 from 5.15PM, in partnership with LBH Trading Standards Officers, Mrs Sasha TAYLOR, Ms Kat MORATH and Mr Mark LANCOD, together with two male volunteers aged 14years & 15years, I conducted a series of test purchase initiatives to ensure management compliance with regard to the responsible sales of alcohol at a number of licensed premises. At 5.20PM, a test purchase was conducted at COSTCUTTER, 18A STATION LANE, HORNCHURCH. The volunteers were asked their age and the sale of alcohol was refused.

On SATURDAY 4TH JUNE 2011 from 2.30PM, in partnership with officers from the LBH Trading Standards team, Mr Keith BUSH, Ms Diana DIAZ and Ms Katalin MORATH, together with two female volunteers aged 16years & 17years, conducted a series of test purchase initiatives to ensure management compliance with regard to the responsible sale of alcohol at a number of licensed premises. At 5.50PM a test purchase was conducted at COSTCUTTER 18A STATION LANE HORNCHURCH. The DPS, Vikas GOYAL, was not present at the shop but was contactable on his mobile phone. Despite having previously failed three test purchase initiatives in the last two years and been subject of a 48hours closure notice in October 2010, Mr GOYAL still elected to leave the premises in the charge of two incompetents. The senior person 'in charge' was Mr Manan SHUKLA, b.02/11/1980, of 5 MARQUESS CLOSE WEMBLEY HA0 4HF. Mr SHUKLA had worked at the shop for three months. His command of the English language was poor and he was not a personal licence holder. He was not aware of the shops' Challenge 25 policy despite a token gesture of posters being displayed around the store. He had difficulty explaining his actions but did manage to contact Mr GOYAL who then went on to explain that only Mr SHUKLA should be working behind the counter. However, the person who WAS working behind the counter and made the sale of one 75ml bottle of BLOSSOM HILL rose (10%VOL) to the volunteers was Mr Hitesh Bhimjibhai RADADIYA, b.05/12/1990, of 61 WHISTLER

Signature: Signature witnessed by:

Continuation of Statement of

GARDEN QUEENSBURY HARROW HA8 5TU. Mr RADADIYA had been employed at the premises just two weeks and confirmed that he was a shelf stacker who should not be serving behind the counter. He claimed to have received no training as this was not his job description but then declared that he had been told to ask for ID if they look under age. Mr RADADIYA took that age to be 18years but even then did not make any age or ID request to the volunteers. Unsurprisingly, Mr RADADIYA is not a personal licence holder and he was issued with PND no. 01/A67875173. I made a second call to Mr GOYAL to express my extreme concern at leaving these two men in charge of anything let alone age restricted products.

Due to the time factor and extent of pro-active work already generated that day a decision was made to abort the final test purchase. However, upon driving past COSTCUTTERS, barely five minutes after issuing Mr RADADIYA with a fixed penalty notice, I saw three young girls standing directly outside the shop talking to an older male and appearing to hand him money. We went around the block and I returned to the shop. The girls sheepishly wandered away from the shop and sat on a bench by the bus stop. Upon entering the shop I saw Mr Rory SHEWARD, b.06/12/1986, of 8 FERNDOWN HORNCHURCH RM11 3JL asking Mr RADADIYA - who was still working behind the counter - for a box of cigarettes. There were three bottles of BLOSSOM HILL rose (10%VOL) on the counter. Mr SHUKLA then went to the counter to scan the bottles and, upon seeing me, Mr RADADIYA - having already handed him the cigarettes - asked Mr SHEWARD to produce some ID. Mr SHEWARD was laughing and joked that he was 24years old but he stopped smiling upon turning around and seeing me. I reminded Mr SHEWARD of the offence of buying alcohol on behalf of a person under 18years of age and told him that I assumed that he would be giving the girls their money back. He then asked Mr SHUKLA - who had just got to grips with scanning the bottles - to leave the alcohol. Mr SHUKLA and Mr RADADIYA were totally oblivious to what was going on around them in the shop let alone what was happening immediately outside. They did not think to consider that Mr SHEWARD was attempting to make a proxy sale despite his order. I left the shop with Mr SHEWARD and spoke with the three girls who each produced their Oyster cards as a form of identification. They were attempting to acquire alcohol before attending a party in Rainham. They were all fifteen years old. Mr SHEWARD then returned the girls' money and said, "Sorry, girls. I tried." I reiterated my stern warning to the three girls and then to Mr SHEWARD who it transpired was just about to start working his shift as a barman at FRANKIES WINE BAR, 29 STATION LANE HORNCHURCH. It is at this point I suspect that my kindly intervention and verbal warning was not sufficient to fit the circumstances.

On MONDAY, 6TH JUNE 2011 at 2PM in the 5th Floor conference room at MERCURY HOUSE, I was present at the meeting with Keith BUSH (LBH Trading Standards), Paul JONES (LBH Licensing Officer) and Mr Vikas GOYAL where Mr GOYAL attempted to justify the poor management track record at latest test purchase failure. Mr GOYAL implied that he had reached the end of the road with this business venture, one of many different projects that he is currently involved with. He stated that he intended to sell the shop and sought advice on how to best remedy the situation. I suggested that Mr GOYAL could totally resolve the matter with immediate effect by merely surrendering the premises licence thus eliminating the concern surrounding irresponsible alcohol management and supply. Despite being aware that an application seeking a Review of the premises licence was inevitable in the circumstances, My GOYAL was reluctant to surrender the premises licence due to the negative financial impact this would have on any future sale. It is my understanding from information received by Mr Keith BUSH and Mr Paul JONES that, despite the many assurances offered at the meeting and subsequently supported in e-mails sent to the local authority, Mr GOYAL has continued to operate in direct breach of the conditions on the premises licence at COSTCUTTER by authorising the supply of alcohol without a personal licence holder being present on the premises. Once again, Mr GOYAL's actions have not mirrored his assurances given to the police and local authority. This leaves the police in an almost untenable position when expected to offer continued support to this premises under Mr GOYAL's management.



Signature: Signature witnessed by: