

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH
www.bromley.gov.uk

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FAX: 020 8290 0608 DATE: 18 April 2023

To: Members of the
LICENSING SUB-COMMITTEE

Councillors Nicholas Bennett J.P., Robert Evans and Kira Gabbert

A meeting of the Licensing Sub-Committee will be held at Committee Room 1 -
Bromley Civic Centre on **THURSDAY 27 APRIL 2023 AT 10.00 AM**

There will be a pre-meeting for Council Members and officers at 9.45am.

TASNIM SHAWKAT
Director of Corporate Services & Governance

A G E N D A

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

2 DECLARATIONS OF INTEREST

**Objections to the applications are referred to in the attached reports of the
Director of Environmental Services.**

The Chairman will request the names and addresses of those giving evidence
together with the names of any representatives.

3 REVIEW HEARING FOR DEVRIM MANAGEMENT T/A EMBASS LOCAL 5 STATION APPROACH LOWER SYDENHAM SE26 5FD Beckenham Town & Copers Cope

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Report No.
ES20272

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: LICENSING SUB-COMMITTEE

Date: 27th April 2023 @ 10:00hrs

Decision Type: Non-Urgent Non-Executive Non-Key

Title: APPLICATION FOR A REVIEW OF THE PREMISES LICENCE
AT EMBAS LOCAL 5 STATION APPROACH LOWER
SYDENHAM LONDON SE26 5FD

Contact Officer: Steve Phillips, Nuisance, ASB, Health, Safety and Licensing Manager
Tel: 0208 461 7912 E-mail: steve.phillips@bromley.gov.uk

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: Copers Cope

1. Reason for report

- 1.1 To provide the Licensing Sub-Committee with information supporting them to determine this licence application.

2. **RECOMMENDATIONS**

- 2.1 **The Licensing Sub-Committee are asked to determine this application having considered the Council's Statement of Licensing Policy 2021 to 2026, Its Cllr Guidance for Members hearing a Review of a Premises Licence or Club Premises Certificate. Written and oral representations by the applicant and objectors. Members can**

1. **Modify the conditions of the licence**
2. **Exclude a licensable activity from the scope of the licence**
3. **Remove the Designated Premises Supervisor**
4. **Suspend the licence for a period not exceeding three months**
5. **Revoke the licence**

Impact on Vulnerable Adults and Children

1. Summary of Impact:

When making decisions under the Licensing Act 2003 the Council is required to promote the licensing objectives, one of which is the protection of children from harm.

Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its licensing policy under the Licensing Act 2003 for the period 2021 to 2026.

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Licensing statutes allow for an appeal to the Magistrates Court against the Council's decision. Should an appeal be made, costs are likely to be incurred but it is not possible to quantify these.
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Public Protection and Portfolio
 4. Total current budget for this head: £2.4M
 5. Source of funding: 2023/2024
-

Personnel

1. Number of staff (current and additional): 1 Licensing Officers supported by 3.5 FTE admin
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: Statutory Requirement: The Council is the Licensing Authority for the Licensing Act 2003. This is a Non-Executive function and is delegated to the General Purposes and Licensing Committee. Where representations are received about a licence application, it is referred to the Licensing Sub Committee for a hearing and decision.
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Property

1. No property implications for this application/licence.
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: There are no significant implications.
-

Customer Impact

1. When considering and making a determination on this application Members need to balance the benefits of holding the licence against any adverse effects to the Public, Local Residents and Businesses by considering its impact against the licensing objectives
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? **Yes**. Ward Members were notified about the application by e-mail on 06 March 2023.
 2. Summary of Ward Councillors' comments: None Received
-

Responsible Authorities Views

1. Have Responsible Authorities been asked for comments? **Yes**. They were notified about the application by e-mail on 6th March 2023.
Summary of Responsible Authorities comments: The Licensing Authority at Bromley values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm.
For these reasons the Licensing Authority takes its responsibilities under the Licensing Act very seriously and uses all the available powers to promote the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
 2. The full Licensing Authority response is contained in appendix 3
-

Residents and interested parties

0 representations were received from residents. 0 representation was received in support of the review.

3. COMMENTARY

3.1. Licensing Act 2003.

The Licensing Act 2003 states that any premises requires a licence/certificate issued by the Council (premises licence/club premises certificate) where the following activities occur:-

Provision of regulated entertainment

- a) Plays. (Where the audience exceeds 500 people)
- b) Films.
- c) Indoor sporting events. (Where the audience exceeds 1000 people)
- d) Boxing or wrestling entertainment.
- e) Live music. (subject to the Live Music Act 2013 exemptions)
- f) Recorded music.
- g) Performances of dance. (Where the audience exceeds 500 people)

Provision of late-night refreshment (between 2300hrs and 0500hrs).

Supply of alcohol (on and off sales).

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

Licences/Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives.

The Council has previously agreed Bromley's Statement of Licensing Policy for the Period 2021 – 2026.

The Licensing Sub-Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

Members' attention is drawn to the Guidance adopted by members on Review Applications in **Appendix 6**.

Description of the Premises

The site sits within a four storey block, with commercial units on the ground floor and residential units above. A satellite image and street view of the premises are contained in **Appendix 5**.

Licensing History

An application for a premises licence was made on 18th March 2021 by Devrim Management Ltd.

On 23rd March 2021 The Trading Standards Service contacted the applicant and provided details of the requirements and links to free guidance regarding the prevention of underage sales.

The premises licence was granted on **16th April 2021**. Within the Operating Schedule of the application form, the applicant detailed several measures that they would take to prevent harm to children as follows:

- Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.
- The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK, Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
- Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
- The premises will display publicity materials relating to the Challenge 25 scheme.

The above measures were subsequently turned into conditions on the licence. A copy of the Premises Licence issue 01 in force at the time of the review can be found at **Appendix 2**.

In May 2022 following a failed test purchase campaign the premises was subject to a (1st) review this can be found at **appendix 4** with the subsequent decision of the Licensing Sub Committee at the time.

Since the application for the current (2nd) review was placed, the premises has submitted and had granted a transfer of the premises licence. This application is shown in **Appendix 7** to this pack with the current premises licence Issue 002

Details of the Application

This is an application for a 2nd review of the premises licence at this premises following a failed test purchase campaign undertaken by the Trading Standards Team at Bromley. A copy of the full application form is contained in **Appendix 1**.

Representations

During the public consultation period the Council received 0 representations against the application and 1 in support. Copies of these are contained in **Appendix 3**.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Licensing regimes provide for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect vulnerable groups. In the case of the Licensing Act 2003 it seeks to protect children from harm whereas the licensing objectives under the Gambling Act 2005 are wider and seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote these objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment. None were received in this instance.

5. TRANSFORMATION / POLICY IMPLICATIONS

5.1 Both the Licensing Act 2003 and the Gambling Act 2005 require the Council to prepare, consult on and publish statements of their licensing policy. These must be reviewed at least every 5 years under the Licensing Act and 3 years under the Gambling Act.

5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.

5.3 The current policies are -

- Statement of Licensing Policy 2021 - 2026

http://www.bromley.gov.uk/downloads/file/226/statement_of_licensing_policy_2021-2026

- Statement of gambling policy 2022 - 2025

http://www.bromley.gov.uk/downloads/file/325/gambling_policy

6. FINANCIAL IMPLICATIONS

6.1 There are rights of Judicial Review and appeal to the Magistrates Court against the decision of the Sub-Committee under both the Licensing and Gambling Acts. If an appeal were to be lodged there are costs associated with defending it. These are difficult to quantify and the Courts can award costs. In the event of a successful appeal we could pay the costs of the appellant as well as our own. Equally if we successfully defended an appeal, it is open to the Court to order our costs to be paid by the appellant.

7. PERSONNEL IMPLICATIONS

7.1 Number of staff (current and additional): 1 Licensing Officers supported by 3.5 FTE Administration Staff.

7.2 If from existing staff resources, number of staff hours: A licensing review application typically takes 6 hrs professional officer time and 4 hrs administration time.

8. LEGAL IMPLICATIONS

8.1 Any Parties involved in a hearing before a Sub-Committee can seek a Judicial Review if the Local Authority has failed to administer the hearing in accordance with proper procedures.

8.2 Any Party involved with the hearing before licensing sub committee can appeal any decision made at that hearing to the magistrate's court.

8.3 The Council has adopted a procedure for the conduct of hearings.

9. PROCUREMENT IMPLICATIONS

There are no procurement implications.

10. PROPERTY IMPLICATIONS

There are no property implications.

11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

There are neutral environmental and carbon reduction implications from the proposals contained in this report.

12 CUSTOMER IMPACT

See para. 4 and 11 and Appendix 3 of this report.

13 WARD COUNCILLOR / OTHER STATUTORY CONSULTEES VIEWS

13.1 None received from Ward Councillors

13.3 Responsible Authorities Views

13.4 Summary of Responsible Authorities comments: The Licensing Authority is concerned that the current premises licence holder has now shown a repeated disregard for the Licensing Objectives. Particularly the Protection of Children from Harm. Allowing this premises to continue to trade will have a detrimental impact on the area and particularly Children.

The following Responsible Authorities were notified about this application and their views sought

| Responsible Authority | Date Notified | Comments (further details in Appendix 3) |
|-----------------------------|---------------|--|
| Licensing Authority | 06.03.2023 | 17/03/2023 |
| Metropolitan Police | 06.03.2023 | None |
| Planning Authority | 06.03.2023 | None |
| Trading Standards Service | 06.03.2023 | None |
| Public Health Nuisance Team | 06.03.2023 | None |
| Health & Safety Team | 06.03.2023 | None |
| Child Protection Team | 06.03.2023 | None |
| Fire Authority | 06.03.2023 | None |
| Public Health | 06.03.2023 | None |

13.5 Residents and interested parties

None received from these parties

| | |
|---|--|
| Non-Applicable Sections: | Personnel and Procurement implications |
| Background Documents: (Access via Contact Officer) | Soft File Computer based records |

Appendix 1

Review Application Form

London Borough of Bromley

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 Graeme Preston (Trading Standards Manager)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|---|
| Postal address of premises or, if none, ordnance survey map reference or description Embas Local 5 Station Approach Lower Sydenham Road | |
| Post town London | Post code (if known) SE26 7FD |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) DEVTRIM MANAGEMENT Ltd (The company is now called Devrim Retail Ltd) |
|---|

| |
|---|
| Number of premises licence or club premises certificate (if known) 21/00129/LAPRE |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**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 Graeme Preston Trading Standards Civic Centre Bromley BR1 3UH |
| Telephone number (if any) 020 8313 4514 |
| E-mail address (optional) graeme.preston@bromley.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓

Please state the ground(s) for review (please read guidance note 2)

This application for licence review is a direct result of the sale of alcohol to an underage volunteer on Tuesday 14th February 2023.

1. Ownership

The premises licence is held by Devrim Management Ltd (which had changed its name to Devrim Retail Ltd in July 2021). The designated premises supervisor (DPS), and sole director and person with significant control of the company, is Sahin Tasyurdu..

2. Location

The premises is a small retail shop located in Station Approach in Sydenham.

3. Trading Standards

Trading Standards are committed to protecting children against harm and carry out test purchasing in line with the Council's safeguarding children agenda. Trading Standards operate a Challenge 25 test purchase initially with the assistance of an 18–21-year-old volunteer, for example, as with these premises, in the case of new licensees, a programme in a given location or because of general information relating to a location/premises.

If an attempt leads to a sale, then the business is informed, and a follow up test purchase using underage volunteers is arranged. If complaints are received, underage test purchases may be carried out.

Trading Standards provided advice when this business first applied for a licence, in March 2021 ([Appendix A](#)).

4. Trading Standards Challenge 25 Visit

On 21st October 2021, Trading Standards carried out a routine test purchase to test the Challenge 25 policy which is part of the licencing conditions under the Protection of Children from Harm sub-heading. This was done with the assistance of an 18-year-old volunteer. The volunteer entered the premises and purchased a pack for 4 WKD blue bottles for £4.99. There was no challenge made for ID with this purchase.

Officers then visited the premises to on 22nd October 2021 to advise the general manager Ms Kovalenko of the test purchase and provided advice and a materials pack. The pack included Bromley Council's Age Restricted advice regarding Alcohol ([Appendix B](#) – last updated in May 2022), a refusals log and a Challenge 25 poster to display in the premises. A decision was made to attempt to carry out an underage test purchase.

A letter referencing and enclosing free materials were given them to aid them in preventing sales of age restricted goods to children was sent dated 1 November 2021 ([Appendix C](#)).

5. Trading Standards Age Restricted Sales Visit

The volunteers who assisted officers in the underage test purchase were 15 years old. Prior to the operation, photographs were taken of the volunteers and a briefing of the aim, and the purpose, of the operation were given to them. The volunteers were asked to test purchase alcohol and if asked for ID to simply say they do not have any. On this occasion, the volunteers were given permission to say they were 18 years old if asked.

On 7th April 2022, Trading Standards carried out an underage test purchase of alcohol. There were three trading standards officers present on the day were Holly Costin, Matthew Smith, and Samantha Phillips. They were assisted by the two fifteen-year-old volunteers.

At approximately 11:12am, Mrs Phillips entered the premises to assess the environment and practicality of carrying out a test purchase. After she returned, the volunteers entered the premises at approximately 11:17am. One was equipped with a handheld covert camera to record the attempt and to ensure the wellbeing of the volunteers.

The volunteers purchased a can of Fosters for £1.70 with no challenge for identification.

Miss Costin and Mr Smith then entered the premises and spoke to the seller Nya Annsharon. Ms Annsharon advised the officers that she was unaware of the process and that she wasn't aware that the drink was age restricted. The officers advised that the sale of age restricted products and Challenge 25 should have been covered in staff training, however Ms Annsharon seemed confused by this.

Trading Standards did not have confidence in this premises that they will abide by the **licensing objective: the protection of children from harm.**

The operation was carried out in compliance with section 146(1) of the Licensing Act 2003. There was a Regulation of Investigatory Powers Act 2000 (RIPA) direct surveillance in place at the time of this operation.

6: Licence Review – 22nd June 2022

Following a licence review, the Licensing Sub-Committee decided that the licence would be suspended for 1 month with a condition that a personal licence holder must be always present. Please refer to the Outcome letter dated 29th June 2022 ([Appendix D](#)).

7: Challenge 25 Test Purchase

Trading Standards arranged a test purchase through a third-party business, which took place on 21st September 2022. A 19-year-old volunteer attended the premises at 16:10 and was able to purchase a can of Carlsberg 500ml without challenge for ID. The seller is described as a female between the ages of 26-40 years old. Please refer to the Test Result report ([Appendix E](#)).

8: Trading Standards Age Restricted Sales Visit

On 14th February 2023, a test purchase with the assistance of a 16-year-old volunteer was made at the premises. Prior to the operation, photographs were taken of the volunteer and a briefing of the aim, and the purpose of the operation were given to them. The volunteer was asked to test purchase alcohol and if asked for ID to simply say they do not have any. On this occasion, the volunteers were given permission to say they were 18 years old if asked.

The officers present on the day were Holly Costin, Alison Gosden and Samantha Phillips. They were assisted by a 16-year-old volunteer.

At 11:20am, Miss Gosden entered the premises followed shortly after by the volunteer. The volunteer was equipped with a covert handheld camera to record the attempt and protect the welfare of the volunteer. Unfortunately, the footage is irretrievable. The sale was however witnessed by Miss Gosden.

The volunteer was able to purchase a bottle of 275ml WKD Blue for £2.59 without any challenge for ID from a female, known only as Ebru. This, which is labelled as not for individual resale, is retained and is available to the Licensing Sub-Committee and interested parties. Images of the alcohol are found at [Appendix F](#).

Miss Costin and Miss Gosden then entered the premises and spoke to Ata Bulent who advised us that he does not work there and is just helping a friend. It is believed that neither the seller nor Mr Bulent are personal licence holders.

Trading Standards do not have confidence in this premises that they will abide by the **licensing objective: the protection of children from harm**.

The operation was carried out in compliance with section 146(1) of the Licensing Act. There was an internal Human Rights authorisation in place.

9: Police Licensing and Trading Standards Visits

On 16th February 2023, Police Officers and a Trading Standards officer attended the premises at 12:16pm and spoke to Ismail Akkiz, a personal licence holder, Ali Tasyurdu, the son of the director of Devrim Retail Ltd/DPS, and Mr Bulent.

During this visit a full compliance check was carried out by the Police officers and nine breaches of licensing conditions were identified.

A follow up visit by the same officers was carried out on 24th February 2023. Mr Ali Tasyurdu, who advised that he was awaiting his personal licence, and Mr Bulent were present. A list of members of staff, which was one of the breaches identified from the visit on 16th February, remained unavailable. It was evident that the other breaches had not been rectified so the Police officers reiterated the urgent need for this.

Correspondence to the licensee following these visits are at [Appendices G and H](#) respectively.

A concurrent criminal investigation is being undertaken by London Borough of Bromley Public Protection (Licensing and Trading Standards) officers under the Licensing Act 2003.

10: Recommendations

As you will see from the foregoing considerable and extensive effort has been expended into bringing the premises into compliance and thereby remove the risk of children having access to, and moreover being able to directly purchase, alcohol from the premises: Evidently this has been unsuccessful.

The representations made and the supporting documentation are in my view evidence of a significant concern about the licensee's ability to protect children from harm.

This is exacerbated by the number and nature of the breaches identified by Police officers recently.

Revocation is therefore recommended.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before: ✓

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
| 05 | 05 | 2022 |

If you have made representations before relating to the premises, please state what they were and when you made them

Please refer to the previous, aforementioned, review and submission date, following a sale of alcohol to a child volunteer in April 2022 with antecedents.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten Signature]

Date

03/03/2023

Capacity

/

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| 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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Preston, Graeme

From: Hancock, Ruth
Sent: 23 March 2021 15:15
To: info@embas.co.uk; s.sawyer@hugh-jones.co.uk
Subject: Devrim Management Limited. Premises Licence application - Trading Standards information
Attachments: CTSI Prevention of under age sales online training info sheet May 2020.docx
Categories: Egress Switch: Unprotected

Dear Premises Licence Applicant

**PREMISES LICENCE APPLICATION
LICENSING ACT 2003**

Details of your Premises Licence Application have been passed to Trading Standards for consideration, particularly in relation to the section 'Protecting children from harm'.

Free guidance around the prevention of underage sales, including when selling online, can be found on the Trading Standards pages at www.bromley.gov.uk Please also find attached an option for underage sales prevention training which you may find helpful.

It is essential that you and your staff are aware of the requirements of all the legislation and are trained to ask for age identification prior to making a sale, in line with an age verification policy. If the customer does not have acceptable ID, the product should not be sold to them. Remember: No ID, No sale. Acceptable forms of ID are:

- a proof of age card bearing a PASS hologram
- a photocard driving licence
- a passport
- a military identification card (be aware that these can be held by 16 and 17 year old service people)

Ensure that the identification matches the person using it and the date of birth shows they are at least the minimum legal age. You do not have to accept all of the above forms of identification. It is good practice to exclude any type of document that your staff are not familiar with.

You are advised that Bromley Trading Standards carry out Test Purchase Operations using volunteers in order to check compliance with age restricted product legislation, including the Licensing Act and other relevant legislation. A sale to underage customers can have serious consequences, including prosecution and/or a review of your premises licence.

Please contact me if you would like any further information or advice relating to your responsibilities in respect of age restricted products.

Yours faithfully

Ruth Hancock
Trading Standards Officer

Environment and Public Protection
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley BR1 3UH
E-mail: ruth.hancock@bromley.gov.uk

Prevention of underage sales online training

www.virtual-college.co.uk



The Chartered Trading Standards Institute (CTSI) and Virtual College have joined together to create a range of online training resources which are highly relevant to all businesses, including 'Prevention of under age sales.'

In the UK certain products have age based sales restriction mandated in law.

Enforcement is active: Police and Trading Standards officers are permitted to send children into retailers to attempt to buy restricted products.

The potential penalties are large, both for the individual and the retailer. If caught selling an age restricted product, the retailer will be required to demonstrate due diligence, this includes evidence of effective staff training and that the staff have understood the training.

This course aims to help protect organisations and employees from:

- Prosecution
- Bad PR
- Fines
- Loss of business

Most people have some difficulties in accurately judging the age of a person. Whether or not someone appears to be over a certain age is subjective and depends on the individual making the decision. This leaves brands and individuals vulnerable.

On completion of this module, learners will understand:

- Why age restrictions exist, what the legal requirements are and who is responsible for upholding these requirements
- What goods are covered by age restrictions and where they are sold
- How to approach the sale and what forms of identification are acceptable
- How to refuse a sale

Lesson Plan

The course will be split into the following sections and will provide contextual advice generated from a wide variety of scenarios:

- Section 1 – Introduction to Age Restricted Goods
- Section 2 – What good are covered and where are they sold?
- Section 3 – How to Approach the Sale
- Section 4 – How to Refuse a Sale

Certification

On completion of this course you will be able to download a Virtual College certificate.

Duration

Approximately 1 hour. The length of time taken depends entirely on how quickly you can study and absorb the material. You can proceed as quickly or slowly as you like.

Target Audience

All retail and hospitality outlets that sell age restricted products.

Entry Requirements

There are no specific entry requirements for this course.

£15.00 + VAT

May 2020



Alcohol: age restrictions

A guide to ensuring that underage sales of alcohol do not take place, and the implications if a sale is made

This guidance is for England and Wales

Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is under 18 you could be prosecuted and fined, and your licence to sell alcohol could be at risk.

Preventing the sale of alcohol to children: an overview

The Licensing Act 2003 sets out a series of objectives, which a licensing authority is required to promote. "The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm."

The objective on "the protection of children from harm" includes preventing the sale and supply of alcohol to under-18s. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

Before someone can apply for a personal licence, they must be aged 18 or over and have obtained an accredited licensing qualification, which covers licensing law and social responsibility related to the sale of alcohol. In addition, relevant criminal convictions must be disclosed.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A penalty notice for disorder (PND) is a type of fixed penalty notice that can be issued by a police officer, police community support officer or an 'accredited person' to a person who sells alcohol to someone under 18. It is intended to provide a quick and effective means of dealing with certain types of offending - as an alternative to prosecution - and may be issued where the person making the sale is the bar person or member of staff (in off-licensed premises). The current penalty charge is £90.

A responsible authority, such as police or trading standards, may ask the licensing authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

The law

The Licensing Act 2003 sets out the offences, defences and penalties that relate to underage sales of alcohol.

SALE OF ALCOHOL TO CHILDREN

A person commits an offence if they sell alcohol to an individual under 18.

If you are charged with an offence you have the defence that you believed the individual was aged 18 or over, and you had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18. 'Reasonable steps' means asking the individual for evidence of their age, and that the evidence would convince a reasonable person.

If you are charged with an offence due to the conduct of someone else - a member of staff, for example - you have the defence that you exercised all due diligence to avoid committing it. (The **'Keeping within the law'** section below explains what this means.)

ALLOWING THE SALE OF ALCOHOL TO CHILDREN

A person who works at premises in a capacity that authorises them to prevent the sale of alcohol to an individual under 18 commits an offence if they knowingly allow the sale of alcohol to take place.

PERSISTENTLY SELLING ALCOHOL TO CHILDREN

It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.

An 'unlawful sale' is defined as where the person making the sale believed the individual was under 18 or that the person did not have reasonable grounds for believing the individual was 18 or over. 'Reasonable grounds' means asking the individual for evidence of their age and that this evidence when provided would convince a reasonable person, or that no one would reasonably suspect from the individual's appearance that they were under 18.

An enforcing body, such as the police or trading standards, can apply for a closure notice - which prohibits the sale of alcohol at the premises - as an alternative to prosecution; the duration of this notice can range from 48 to 336 hours. Where a premises licence holder is convicted of an offence

of persistently selling alcohol to children, the court may suspend the licence authorising the sale of alcohol at that premises for a period of up to three months.

PROHIBITION OF UNSUPERVISED SALES BY CHILDREN

The premises licence holder, designated premises supervisor, or other responsible person aged 18 or over, commits an offence if they allow an individual under 18 to sell or supply alcohol unless the sale has been specifically approved and the person is supervised. There are exceptions if alcohol is sold or supplied for consumption with a table meal. You must check the ages of your staff to make sure you comply with the law.

TEMPORARY EVENTS

If you want to organise a temporary event where a 'licensable activity' - such as the sale of alcohol - will take place on unlicensed premises, you must apply to your local council for a temporary event notice. A copy of the notice must be clearly displayed at the event. There are restrictions and requirements that you must be aware of before you make your application; contact your council for more information.

Offences under the Licensing Act 2003, including those that relate to age restrictions, also apply to temporary events.

Proxy sales of alcohol

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children.

A person commits an offence if they buy or attempt to buy alcohol on behalf someone under 18. It is also an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises. However, it is legal for someone aged 18 or over to buy beer, wine or cider for someone aged 16 or 17 to drink with a table meal on licensed premises, as long as the young person is accompanied at the meal by a person aged 18 or over.

Although it is the person who buys or attempts to buy alcohol for a child who commits the offence, you have a duty under "the protection of children from harm" licensing objective to prevent such sales from occurring.

Note: It is against the law to give children alcohol if they are under five years old.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you must introduce an age verification policy and have effective systems to prevent sales to persons under the minimum legal age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

AGE VERIFICATION CHECKS

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 introduced conditions that apply to all licensed premises. One of these is that if your premises sells or supplies alcohol, you

must have an age verification policy.

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted but make sure that the card matches the person using it and the date of birth shows they are at least the minimum legal age. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards, so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office False ID Guidance for more information.

OPERATE A CHALLENGE 21 OR CHALLENGE 25 POLICY

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are at least the minimum legal age by showing valid proof of age. You can incorporate this into your age verification policy.

STAFF TRAINING

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe an underage person is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner. Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

MAINTAIN A REFUSALS LOG

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

STORE AND PRODUCT LAYOUT

Off-licensed premises should consider the layout of their store and site the alcohol in a place where it can be easily monitored, such as nearer to the counter or even behind it.

TILL PROMPTS

If you possess an EPOS system then it may be possible to use it to remind staff of age restrictions via a prompt.

SIGNAGE

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

CLOSED CIRCUIT TELEVISION (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

Stay vigilant. Be aware of any young people outside your premises or nearby who may attempt to buy alcohol themselves or who may try and persuade an older person to buy it on their behalf.

ONLINE SALES

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Further information

Detailed [guidance](#) has been produced by the Home Office under section 182 of the Licensing Act 2003.

For guidance on alcohol labelling and composition, including low-alcohol products, see 'Alcoholic beverages, spirits and food'; and for measuring requirements, stamps on glasses, etc see 'The sale of alcohol in licensed premises'.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

In this update

General detail added.

Last reviewed / updated: May 2022

Key legislation

- [Licensing Act 2003](#)
- [Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

Please note


This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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Select Language 



Switchboard: (020) 8464 3333
Direct Line: 020 8461 7568
Email: Holly.Costin@bromley.gov.uk
Internet: www.bromley.gov.uk
Our ref: 21/02928/OTHINS

Ms G Kovalenko
Embass Local
5 Station Approach
Lower Sydenham Road
SE26 5FD

01 November 2021

Dear Ms Kovalenko,

CHALLENGE 25 AGE VERIFICATION POLICY

As you are aware, Trading Standards have undertaken a test purchase on 22 October 2021 at 10:53am with the assistance of a 19 year old volunteer in order to check that an age verification policy is in place. This is one of the conditions on your premises licence, relating to the section 'Protecting children from harm'. We are concerned that on your application you stated you will be applying this policy and displaying appropriate signage in the premises.

On this occasion, our volunteer was not challenged for ID which resulted in the sale of a 4 pack of blue WKD at £4.99. Although this is not an age restricted offence, we encourage the Challenge 25 Policy in order to result in the likelihood of an underage sale being minimised.

You will have received an email from us when you first applied for your licence or renewal. This advised that Bromley Trading Standards carry out Test Purchase operations using volunteers in order to check compliance with age restricted product legislation, including the Licensing Act and other relevant legislation. To remind you, free guidance around the prevention of underage sales can be found at www.bromley.gov.uk/tradingstandards including alcohol, knives, tobacco products etc.

It is essential that you and your staff are aware of the requirements of all the legislation and are trained to ask for age identification prior to making a sale, in line with an age verification policy. If the customer does not have acceptable ID, the product should not be sold to them. Remember: No ID, No sale. Acceptable forms of ID are:

- a proof of age card bearing a PASS hologram
- a photocard driving licence
- a passport
- a military identification card (be aware that these can be held by 16 and 17 year old service people)

Ensure that the identification matches the person using it and the date of birth shows they are at least the minimum legal age. You do not have to accept all of the above forms of identification. It is good practice to exclude any type of document that your staff are not familiar with. Enclosed you will find some useful pieces including:

- Challenge 25 sign
- Challenge 25 window sticker
- A refusals register

Please contact us if you would like any further information or advice relating to your responsibilities in respect of age restricted products.

Yours sincerely,
Holly Costin

Consumer Protection Inspector and Trading Standards Officer
London Borough of Bromley



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH
Telephone: 020 8464 3333 DX5727
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Our Ref: 21/00129/LAPRE

Date 29th June 2022

Email

Dear Sir or Madam

**Re: OUTCOME OF THE REVIEW HEARING FOR PREMISES LICENCE AT:
Devrim Management Limited, 5 Station Approach, Lower Sydenham
London SE26 5FD**

A review hearing of the Licensing Sub-Committee occurred on 22nd June 2022

Please see the decision issued by the legal team for this hearing:

Applicant's case

The Applicant explained a key priority for his service was to protect children from harm. In order to prevent underage sales, test purchasing was used. He summarised the chronology of events, which was detailed in the application for the review. He showed the meeting the can of alcohol which had been purchased on 7 April 2022.

Questions to the Applicant

There were none.

Licence Holder's case

Ms Bird spoke for the Licence Holder, who accepted responsibility and that the events had taken place. It was serious, but the circumstances would be explained and the steps taken since set out. The premises were one of five stores operated by the Licence Holder. There were no issues in relation to the other stores, which were outside the borough, and there was deep upset and concern at what had happened.

In the October 2021 Challenge 25 case, the staff member had suffered a bereavement shortly before, so she had not been functioning normally. This was no excuse however. In the April 2022 underage sale, the member of staff was new and did not know the product was alcohol. She had only been working a few hours, was provided with further training, but now no longer worked at the store.

Steps had been taken to ensure there would not be a recurrence. It had not been possible to train the employee from October 2021 immediately afterwards because she went abroad. She had since had refresher training after returning to the UK. The Licence Holder referred to the certificate and signage included in appendix 3. The till system prompted for an age check, which prevented misinterpretation of products like happened in April 2022. It was installed in May 2022 and there had been no problems

since. All staff had had further training. The employee from October 2021 had had enhanced training, as she wanted a personal licence. The Licence Holder supported all staff who want enhanced training. The refusal register was checked by directors weekly if not twice weekly. The Licence Holder wanted to be a positive force in the community and to keep children safe.

Questions to the Licence Holder

The Licensing Officer asked how many members of staff there were. The Licence holder said six and one of them had a personal licence. The Licence Holder acknowledged condition 14 and apologised if this had been breached. It was a matter for committee whether to add any new conditions, but they would be complied with. The committee could require a personal licence holder to be present at all times and further training. The Licence Holder had already taken steps without prompting.

The Chairman pointed out that the certificates in appendix 3 post-dated the underage sale and asked if there had been training previously. The Licence Holder said there had been but was not able to say what particular course.

Final comments

The Applicant reiterated that a stepped approach had been taken and the review was an opportunity to protect children.

Decision

Following an adjournment, members returned and the Chairman announced the licence would be suspended for one month and a condition added that a personal licence holder must be present at all times.

There was no doubt an underage sale had taken place and this was a serious contravention. The premises had improved training and systems afterwards. This was still a serious issue though, so action must be taken.

Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a review of the premises licence at Devrim Management Limited t/a Embas Local, 5 Station Approach, Lower Sydenham London SE26 5FD. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Council's Guidance for Members hearing a Review of a Premises Licence
- The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003
- The application and all oral representations by the Applicant
- All written and oral representations by the Licence Holder

Members noted that the basis for the application was that the licensing objective of protecting children from harm was not being met.

There had been one underage sale and poor training played some role. Given the earlier Challenge 25 failure, there was doubt over the robustness of that policy. The Licence Holder operates several licensed premises and therefore Members expected staff selection and training to have been more effective at preventing the underage sale. Members agreed though that it was incomprehensible for the employee not to have known the product was alcohol. It was therefore more likely that the cause was a one-off failure.

Given the existing licence conditions, Members were not of the view that an additional training condition would be suitable in the circumstances. Children are at risk of harm, so steps must be taken.

Accordingly, it was decided that a licence suspension of one month and an additional condition for a personal licence holder to be present at all times were appropriate steps for promoting the licensing objectives.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. **It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).**

If you have any questions or problems; please do not hesitate to contact the Licensing Team on the above telephone number.

Yours sincerely

Lee Slaney

Lee Slaney
Licensing Officer



Test Result

AT RISK

This monitoring report is issued following an unannounced monitoring visit in accordance with the rules of the Age Check Certification Scheme.

Date 21/09/2022
 Time 16:10:03GMT
 Visitor Code TP3877
 Visitor Gender Male
 Visitor Age 19 Years
 94 Days

Premises Embas Local
 Address 7 Station Approach
 Sydenham
 Postcode SE26 5BN

Test Purchasing

Alcohol

Checks of Conformity

AT RISK ADVICE PASS

Did you see any age check warning notices on your way into the premises?

NO

Did you see any Age Check warning signs inside the premises.

YES

Did you see any Age Check Warning signs at the till area?

YES

Did the person who served you (or their supervisor) ask you for ID?

NO

Monitoring Report

Transaction Information

www.accscheme.com | 0345 257 0018 | info@accscheme.com

Age Check Certification Services Ltd is an authorised conformity assessment body for the Age Check Certification Scheme carried out in accordance with BS EN ISO/IEC 17065:2012. It is a company registered in England at 3rd Floor, Broadstone Mill, Broadstone Road, Stockport, SK5 7DL (registered number 07357348).





**STORE &
CHECKOUT
INFORMATION**

No of staff visible in store: 1
No of People Working on tills: 1
Mask Worn: No
Asked to Remove Mask for age assessment:
Type of Till: Main till



SERVER

Server: Female, Age: 26-40
Eye Contact Made: Yes
If Yes, when was it first made: When paying
Age Asked: No
Assistance required from member of staff: No



PRODUCT

Alcohol selected: Carlsberg 500ml x1
Alcohol able to be purchased: Yes



**RECEIPT
INFORMATION**

Receipt Received: Yes
Total Purchase Value (If App)
£1.49

Client: **Bromley Borough
Council**

D. Hughen ACTSI
Certification Officer
Issued: **26 September 2022**

Photographic Evidence



F







Working together for a safer London

**Bromley Borough
Licensing Office**

Mr Tasyurdu
Embas Local
5 Station Approach
SE26 5FD

Bromley Police Station
High Street
Bromley
BR1 1ER
Email:
Tina.dandridge@met.police.uk

22.02.23

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

Re: Police Compliance Visit on 17.02.23

Dear Mr Tasyurdu

On 16.02.2023 PC Dandridge and PC Mills attended Embas Local, 5 Station Approach, SE26 5FD in company with council official Holly Costin.

Upon entering the premises PC Dandridge spoke with a male working at the premises who identified himself as Ali Tasyurdu and who stated that he was the owner's son. Shortly afterwards another male approached us and identified himself as Ismail Akkiz, he produced to us a personal licence number PERS/2021/0127/HACKNEY and explained that he also worked at the premises. A third male who was serving behind the counter identified himself as Ata Bulent.

PC Dandridge asked Ali Tasyurdu and Mr Akkiz if the DPS Sahin Tasyurdu was on site and available whilst a licence compliance check was completed. Ali Tasyurdu explained that his dad, the DPS was not on site and hardly spoke any English and therefore would not understand anything that was said to him. He also mentioned that the DPS was not really on site much at all and that Ismail Akkiz was present most days instead. PC Dandridge explained that this was not ideal and consideration should be given to changing the DPS on the premise licence.

A full compliance check was then conducted in relation to the premise licence 21/00129/LAPRE and the following breaches were found to be taking place:

6. *All relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 6 Months (or earlier as necessary).*

7. *Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.*

13. *An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:*

(a) All crimes reported

(b) All ejections of patrons

(c) Any complaints received

(d) Any incidents of disorder

(e) Any faults in the CCTV system.

(f) Any refusal of the sale of alcohol

(g) Any visit by a relevant authority or emergency service

14. *No single cans of beer, lager, stout or cider in cans of less than 500 ml (millilitres) or single bottles of beer, lager, stout or cider in bottles of less than 330 ml (millilitres) may be sold in a single transaction.*

17. *All alcohol not on display will be stored in a lockable store.*

18. *The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.*

19. *The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work*

and have carried out checks on the home office website to verify identification, visa and the right to work documents.

20. All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

27. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.

PC Dandridge and PC Mills explained that it was unacceptable to be breaching the many conditions listed above to which Ali Tasyurdu became very defensive and explained that we had no idea how busy it was to run businesses and to manage to have everything in place all of the time. PC Mills explained that it was not optional to comply with licence conditions and then PC Dandridge asked Ali Tasyurdu and Ismal Akkiz if they knew what the four licensing objectives were that should be adhering to and neither one of the males knew any of the four objectives.

PC Mills explained that all of the licence breaches must be corrected and that further engagement / enforcement action would be taking place jointly by the Police and Council.

If you have any questions regarding the above or need further advice please feel free to contact me.

The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'

Yours sincerely

Tina Dandridge
Licensing Officer
Bromley Police Station
07769435285



Working together for a safer London

**Bromley Borough
Licensing Office**

Mr Tasyurdu
Embas Local
5 Station Approach
SE26 5FD

Bromley Police Station
High Street
Bromley
BR1 1ER
Email:
Tina.dandridge@met.police.uk

24.02.23

- **Prevention of Crime and Disorder**
- **Protection of Children from Harm**
- **Prevention of public nuisance**
- **Public Safety**

Re: Police Compliance Visit on 23.02.23

Dear Mr Tasyurdu

On 23.02.2023 PC Dandridge and PC Mills attended Embas Local, 5 Station Approach, SE26 5FD in company with council official Holly Costin.

Two males who we recognised as Ali Tasyurdu and Ata Bulent were unloading goods from a vehicle parked outside the premises. A female was serving behind the counter who identified herself only as Pravalika and who spoke only a little English. She explained she had only worked at the shop for two days which was confirmed by Ali Tasyurdu who stated that she was still in training.

PC Dandridge established that neither the DPS Sahin Tasyurdu nor Ismail Akkiz were on site and although Ali Tasyurdu stated that he was a personal licence holder he did not have it in his possession and then stated that he was waiting for it to arrive.

Holly Costin and PC Dandridge explained to Ali Tasyurdu that they required the full details of the female who had been working at the premises and had made an underage sale during a recent Test Purchase operation however the only details available were her first name and a mobile telephone number.

PC Dandridge requested to see details of all members of staff as per conditions 19 and 20:

19. The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.

20. All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

These were not available to view and it was clear that all the breaches identified last week have not been rectified. I now request as a matter of urgency that all of the conditions on the premises licence are complied with immediately. A further compliance check will be completed within 10 days to ensure that these matters have been dealt with and you are operating according to your premise licence.

If you have an questions regarding the above or need further advice please feel free to contact me.

The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'

Yours sincerely

Tina Dandridge
Licensing Officer
Bromley Police Station
07769435285

Appendix 2

Premises Licence Prior to review

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

21/00129/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **16th April 2021** Issue Number **001**

This licence consists of **10** pages (Including Licence Summary)

Part 1 – Premises Details

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

Devrim Management Limited
5 Station Approach
Lower Sydenham
London
SE26 5FD

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Alcohol Off Sales

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

Off the Premises only

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 09:00 to 03:00
Hours Open to the Public on Sunday from 08:00 to 00:00

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

Alcohol Off Sales on Monday–Sunday from 09:00 to 22:00

Part 2

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

Devrim Management Limited
of
81-83 Evering Road
London
N16 7SJ

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

Registered under 12618023 - Private Limited Company

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

Full Name: Sahin Tasyurdu
Address: Flat A, 81-83 Evering Road London N16 7SJ

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

DPS Licence Ref: LBH-PER-T-0521 issued by London Borough of Hackney

Mandatory Conditions

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Age Verification:

(1). The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

3. Permitted Price:

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

4. Films:

(1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

5. Door Supervision:

- (1). Any individual employed at the premises as a door supervisor must
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions consistent with the Operating Schedule

Held by the Licensing Authority Ref Number: **21/00129/LAPRE**

Date: **16th April 2021**

General

The premises is licenced to operate as a Grocery Supermarket with the sale of alcohol for consumption off the premises only.

Alcohol displayed on the premises restricted to a maximum of 25% of the retail space.

Crime and disorder

6. All relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 6 Months (or earlier as necessary).

7. Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.

8. No open containers will be supplied ancillary to alcohol to take away customers.

9. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31-day period, such copies shall in any event be provided within forty-eight (48) hours.

10. At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulders images of a standard that will enable identification of each person entering and leaving the premises.

11. Ensure that signage is displayed on the premises reminding customers that CCTV is in operation, or alternatively display (within the public area of the premises) live images from the premises CCTV system, for the purposes of crime prevention.

12. The licence holder shall notify the Police within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by the premises is not in operation.

13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system.
- (f) Any refusal of the sale of alcohol
- (g) Any visit by a relevant authority or emergency service

14. No single cans of beer, lager, stout or cider in cans of less than 500 ml (millilitres) or single bottles of beer, lager, stout or cider in bottles of less than 330 ml (millilitres) may be sold in a single transaction.

15. No spirits shall be sold in bottles of less than 10cl (centilitres).

16. All spirits must be displayed behind the counter and all other alcohol shall be displayed in clear line of sight of the counter.

17. All alcohol not on display will be stored in a lockable store.

18. The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.

19. The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.

20. All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Public Safety

No Conditions

Prevention of Public Nuisance

22. Ensure that signage is displayed by the main exit reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly, thank you' or similar wording to this effect.

23. The shop front will be kept tidy at all times and shall be swept at closing time.

24. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.

Protection of Children from Harm

25. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

26. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.

27. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.

28. The premises will display publicity materials relating to the Challenge 25 scheme.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Plans

Held by the Licensing Authority Ref Number: **21/00129/LAPRE**
Date: **16th April 2021**

LICENSING ACT 2003

Premises Licence Summary

Premises licence number

21/00129/LAPRE

Signed

Joanne Stowell
Assistant Director of Public Protection

Licence Granted **16th April 2021** Issue Number **001**

This licence summary consists of **2** pages

Premises Details

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

Devrim Management Limited
5 Station Approach
Lower Sydenham
London
SE26 5FD

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Alcohol Off Sales

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 09:00 to 03:00
Hours Open to the Public on Sunday from 08:00 to 00:00

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

Off the Premises only

The times the licence authorises the carrying out of licensable activities

Alcohol Off Sales on Monday–Sunday from 09:00 to 22:00

Name, (registered) address of holder of premises licence

Devrim Management Limited
of
81-83 Evering Road
London
N16 7SJ

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

Registered under 12618023 - Private Limited Company

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

Full Name: Sahin Tasyurdu

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

Not Applicable

Appendix 3

Representation from Licensing Authority



Environment and Public Protection

Civic Centre, Stockwell Close, Bromley BR1 3UH
Telephone: 020 8464 3333 DX5727
Direct Line: 020 8313 4218
Email: licensing@bromley.gov.uk

Our Ref: 21/00129/LAPRE
Date: 16/03/2023

London Borough of Bromley

Via Email

Dear Sir/Madam

Re: Representation from the Licensing Authority for the review application placed against Devrim Management, Ltd T/A Embas Local 5 Station Approach Lower Sydenham.

This representation is made by the Licensing Authority at the London Borough of Bromley as a Responsible Authority identified within the Licensing Act 2003.

It is based on the fundamental principles outlined in the London Borough of Bromley **Statement of Licensing Policy 2021 – 2026**.

Background

Bromley values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm.

For these reasons the Licensing Authority takes its responsibilities under the Licensing Act very seriously and uses all the available powers to promote the four licensing objectives:

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

Through the Licensing Act 2003 the Government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the policy states that the powers given to the authority will be used to the fullest extent where businesses or licence holders blatantly infringe the law or undermine one or more of the licensing objectives.

Protection of Children from Harm Access to Licensed Premises - The wide range of premises that require licensing under the Act means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

Where it is appropriate the Licensing Authority will seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. When the premises licence was first granted to Devrim Management Ltd, a condition was added to restrict unaccompanied children from entering the premises after 21:00hrs. However, given the nature of the business it would not be appropriate or practicable to further limit the access of children to the premises in this case.

Underage Sales - This Service undertakes monitoring and test purchasing for compliance with age related sales under the Licensing Act 2003. Consideration is also given to initiatives which could assist in the control of alcohol sales to children e.g. Home Office campaigns. The Licensing Authority is also fully supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a means of controlling underage sales.

The Licensing Authority is committed to protecting children from harm and supports / encourages the programme of underage test purchases arranged by the Trading Standards Service and Police. Where underage sales are found the Licensing Authority supports the use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately. In keeping with the Secretary of States of Guidance and Bromley's own guidance for Members of Licensing sub-committees for Review Hearings, consideration will be given to the suspension or revocation of a licence in respect of underage sales.

Licensing History of the Premises

On **18th March 2021** Devrim Management Ltd applied for a premises licence to supply alcohol for consumption off the premises. Within the Operating Schedule of the application form, the applicant detailed several measures that they would take to prevent harm to children, as follows:

- Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.
- The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK, Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
- Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of

Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.

- The premises will display publicity materials relating to the Challenge 25 scheme.

On **23rd March 2021** The Trading Standards Service contacted the applicant and provided details of the requirements and links to free guidance regarding the prevention of underage sales.

On **16th April 2021** the premises licence was granted with the following conditions relating to the protection of children from harm:

- Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.
- The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
- Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
- The premises will display publicity materials relating to the Challenge 25 scheme.

On **21st October 2021** Trading Standards carried out a test purchase to test the Challenge 25 policy. A 4 pack of WKD Blue was sold to an 18 year old, no challenge was made and proof of age was not requested. Further advice and materials were provided at this time.

On **7th April 2022** Trading Standards carried out a test purchase of alcohol. A can of Foster's Lager was sold to a 15 year old. No challenge was made and proof of age was not requested.

On **1st June 2022** a letter was received from Embas Local explaining that the alcohol was sold to a 15 year old because the member of staff who sold it did not recognise the product as alcohol. The letter went on to state that the business had implemented a series of systematic steps to prevent any future incidents. These steps included : -

- Till prompts for age restricted products
- Comprehensive training for staff selling age restricted products
- Ensuring a personal licence holder is on the premises at all times during opening hours

On **22nd June 2022** the premises licence for Devrim Management T/A Embas Local was reviewed by a Licensing Sub-Committee who decided that the licence would be suspended for 1 month with an added condition that a personal licence holder must be always present when alcohol is being sold.

On **21st September 2022** Trading Standards arranged a 'Challenge 25' test purchase at the premises. A 19 year old volunteer attended the premises and was able to purchase a can of Carlsberg lager without challenge or request for identification.

On **14th February 2023**, a test purchase with the assistance of a 16 year old volunteer was made at the premises. The volunteer was able to purchase a bottle of WKD Blue without any challenge for identification.

Licensing Authorities Assessment of the Licence Holders Ability to Promote the Licensing Objectives and Comply with the Requirements of the Licensing Act 2003

The business has been given advice and support and been provided with information on a number of occasions, from the time they first applied for a licence to the present, in order to help them to avoid selling alcohol to children under 18.

The business has implemented a number steps which they stated would avoid any further incidents of underage sales, however these steps failed to prevent a further sale to a 16 year old child.

The business had their alcohol licence suspended by a Licensing Sub-committee in order for them to arrange for adequate provisions to be put in place to prevent any further sales to children. An additional condition was implemented to ensure that a personal licence holder would be on the premises at all times to prevent any further sales to children. These measures were also unsuccessful in preventing the subsequent underage sale.

Despite the fact the business has been offered continuing support and has implemented numerous measures, they have still been unsuccessful in preventing further underage sales. Therefore, it is the view of the London Borough of Bromley Licensing Authority that there is no other option but to support the recommendation of revoking the licence to sell alcohol at this premises.

Lee Slaney
Licensing Officer
Health, Safety and Licensing
Environment and Public Protection
Bromley Council, Civic Centre, Stockwell Close, Bromley BR1 3UH
Direct Line - 0208 461 7293 / Licensing Enquiry Line - 0208 313 4218
Email: lee.slaney@bromley.gov.uk / licensing@bromley.gov.uk

Appendix 4

Previous review May 2022 with Decision

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Graeme Preston (Trading Standards Manager)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|---|
| Postal address of premises or, if none, ordnance survey map reference or description 5 Station Approach Lower Sydenham | |
| Post town London | Post code (if known) SE26 5FD |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) DEVVRIM MANAGEMENT LIMITED |
|---|

| |
|---|
| Number of premises licence or club premises certificate (if known) 21/00129/LAPRE |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**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 Graeme Preston Trading Standards Civic Centre Bromley BR1 3UH |
| Telephone number (if any) 020 8313 4514 |
| E-mail address (optional) graeme.preston@bromley.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓

Please state the ground(s) for review (please read guidance note 2)

This application for licence review is a direct result of the sale of alcohol to underage volunteers on Thursday 7th April 2022.

1. Ownership

The premises licence is held by Devrim Management Limited, which according to the Companies House website is now known as Devrim Retail Ltd. The designated premises supervisor (DPS) is Sahin Tasyurdu. The general manager is Galina Kovalenko.

2. Location

The premises is a small shop located in Station Approach in Sydenham.

3. Trading Standards

Trading Standards are committed to protecting children against harm and carry out test purchasing in line with the Council's safeguarding children agenda. Trading Standards operate a Challenge 25 test purchase initially with the assistance of an 18–21-year-old volunteer, for example in the case of new licensees, a programme in a given location or because of general information relating to a location.

If an attempt leads to a sale, then the business is informed, and a follow up test purchase using underage volunteers is arranged. If complaints are received, additional test purchases may be carried out.

Trading Standards have provided advice both when they first applied for a licence, in March 2021 ([Appendix A](#)), and after a Challenge 25 test purchase was made ([Appendix B](#)). Free materials were given them to aid them in preventing sales of age restricted goods to minors when officers visited in October 2021.

4. Trading Standards Challenge 25 Visit

On 22nd October 2021, Trading Standards carried out a test purchase to test the Challenge 25 policy which is part of the licencing conditions set out under number 26. This was done with the assistance of an 18-year-old volunteer. The volunteer entered the premises and purchased a pack for 4 WKD blue bottles for £4.99. There was no challenge made for ID with this purchase. Officers then entered the premises to advise the general manager Ms Kovalenko of the test purchase and provided advice and a materials pack. The pack included Bromley Council's Age Restricted advice regarding Alcohol, a refusals log and a Challenge 25 poster to display in the premises. Trading Standards decided to seek authority to undertake an underage sales test purchase:

5. Trading Standards Underage Sales Visit

The volunteers who assisted officers in the underage test purchase are 15 years old. Prior to the operation, photographs were taken of the volunteers (these will be made available to the Licensing Sub Committee and Licence Holder at the hearing) and a briefing of the aim, and the purpose of the operation were given to them. The volunteers were asked to test purchase alcohol and if asked for ID to simply say they do not have any. On this occasion, the volunteers were given permission to say they were 18 years old if asked.

On 7th April 2022, Trading Standards carried out an underage test purchase of alcohol. There were 3 trading standards officers present on the day Holly Costin, Matt Smith and Sam Phillips. They were assisted by the two 15-year-old volunteers.

At approximately 11:12am, Mrs Phillips entered the premises to assess the environment and practicality of carrying out a test purchase. After she returned, the volunteers entered the premises at approximately 11:17am. One was equipped with a handheld covert camera to record the attempt and to ensure the wellbeing of the volunteers.

The volunteers purchased a can of Fosters for £1.70 with no challenge for identification.

Miss Costin and Mr Smith then entered the premises and spoke to the seller Nya Annsharon. Ms Annsharon advised the officers that she was unaware of the process and that she wasn't aware that the drink was age restricted. The officers advised that the sale of age restricted products and Challenge 25 should have been covered in staff training, however Ms Annsharon seemed confused by this. Neither the DPS, licence holder nor a manager was present at the time.

Trading Standards do not have confidence in this premises that they will abide by the **licensing objective: protection children from harm.**

The operation was carried out in compliance with section 149(2)(b) of the Licensing Act 2003. There was a Regulation of Investigatory Powers Act 2000 (RIPA) in place at the time of this operation. The RIPA is an Act of the Parliament of the United Kingdom, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications.

6: Recommendations

Paragraphs 26-28 of Premises Licence **21/00129/LAPRE** refer to Challenge 25 and staff training:

26. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.

27. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.

28. The premises will display publicity materials relating to the Challenge 25 scheme.

The following additional conditions could be considered to the Premises Licence:

- The Premises Licence Holder shall maintain a list of names in the shop which identifies the staff who are permitted to sell alcohol. This shall be made available to Police or Council officers on request.
- The documented staff training records shall be made available for inspection immediately at the request of Police or Council officers.
- The refusal register shall be inspected on a regular basis (at least monthly) by the DPS and signed by the DPS indicating that they have checked the register. Refusal register records shall be held for a minimum of 12 months

Furthermore, because the licence already has a Challenge 25 condition and the evidence of the advice, guidance and supporting literature already supplied it is requested that the following be strongly considered:

- A short licence suspension of up to 3 months.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before: No

If yes please state the date of that application

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

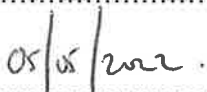
Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date



Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Preston, Graeme

From: Hancock, Ruth
Sent: 23 March 2021 15:15
To: info@embas.co.uk; s.sawyer@hugh-jones.co.uk
Subject: Devrim Management Limited. Premises Licence application - Trading Standards information
Attachments: CTSI Prevention of under age sales online training info sheet May 2020.docx
Categories: Egress Switch: Unprotected

Dear Premises Licence Applicant

**PREMISES LICENCE APPLICATION
LICENSING ACT 2003**

Details of your Premises Licence Application have been passed to Trading Standards for consideration, particularly in relation to the section 'Protecting children from harm'.

Free guidance around the prevention of underage sales, including when selling online, can be found on the Trading Standards pages at www.bromley.gov.uk Please also find attached an option for underage sales prevention training which you may find helpful.

It is essential that you and your staff are aware of the requirements of all the legislation and are trained to ask for age identification prior to making a sale, in line with an age verification policy. If the customer does not have acceptable ID, the product should not be sold to them. Remember: No ID, No sale. Acceptable forms of ID are:

- a proof of age card bearing a PASS hologram
- a photocard driving licence
- a passport
- a military identification card (be aware that these can be held by 16 and 17 year old service people)

Ensure that the identification matches the person using it and the date of birth shows they are at least the minimum legal age. You do not have to accept all of the above forms of identification. It is good practice to exclude any type of document that your staff are not familiar with.

You are advised that Bromley Trading Standards carry out Test Purchase Operations using volunteers in order to check compliance with age restricted product legislation, including the Licensing Act and other relevant legislation. A sale to underage customers can have serious consequences, including prosecution and/or a review of your premises licence.

Please contact me if you would like any further information or advice relating to your responsibilities in respect of age restricted products.

Yours faithfully

Ruth Hancock
Trading Standards Officer

Environment and Public Protection
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley BR1 3UH
E-mail: ruth.hancock@bromley.gov.uk

Prevention of underage sales online training

www.virtual-college.co.uk



The Chartered Trading Standards Institute (CTSI) and Virtual College have joined together to create a range of online training resources which are highly relevant to all businesses, including 'Prevention of under age sales.'

In the UK certain products have age based sales restriction mandated in law.

Enforcement is active: Police and Trading Standards officers are permitted to send children into retailers to attempt to buy restricted products.

The potential penalties are large, both for the individual and the retailer. If caught selling an age restricted product, the retailer will be required to demonstrate due diligence, this includes evidence of effective staff training and that the staff have understood the training.

This course aims to help protect organisations and employees from:

- Prosecution
- Bad PR
- Fines
- Loss of business

Most people have some difficulties in accurately judging the age of a person. Whether or not someone appears to be over a certain age is subjective and depends on the individual making the decision. This leaves brands and individuals vulnerable.

On completion of this module, learners will understand:

- Why age restrictions exist, what the legal requirements are and who is responsible for upholding these requirements
- What goods are covered by age restrictions and where they are sold
- How to approach the sale and what forms of identification are acceptable
- How to refuse a sale

Lesson Plan

The course will be split into the following sections and will provide contextual advice generated from a wide variety of scenarios:

- Section 1 – Introduction to Age Restricted Goods
- Section 2 – What good are covered and where are they sold?
- Section 3 – How to Approach the Sale
- Section 4 – How to Refuse a Sale

Certification

On completion of this course you will be able to download a Virtual College certificate.

Duration

Approximately 1 hour. The length of time taken depends entirely on how quickly you can study and absorb the material. You can proceed as quickly or slowly as you like.

Target Audience

All retail and hospitality outlets that sell age restricted products.

Entry Requirements

There are no specific entry requirements for this course.

£15.00 + VAT

May 2020

Switchboard: (020) 8464 3333
Direct Line: 020 8461 7568
Email: Holly.Costin@bromley.gov.uk
Internet: www.bromley.gov.uk
Our ref: 21/02928/OTHINS

Ms G Kovalenko
Embass Local
5 Station Approach
Lower Sydenham Road
SE26 5FD

01 November 2021

Dear Ms Kovalenko,

CHALLENGE 25 AGE VERIFICATION POLICY

As you are aware, Trading Standards have undertaken a test purchase on 22 October 2021 at 10:53am with the assistance of a 19 year old volunteer in order to check that an age verification policy is in place. This is one of the conditions on your premises licence, relating to the section 'Protecting children from harm'. We are concerned that on your application you stated you will be applying this policy and displaying appropriate signage in the premises.

On this occasion, our volunteer was not challenged for ID which resulted in the sale of a 4 pack of blue WKD at £4.99. Although this is not an age restricted offence, we encourage the Challenge 25 Policy in order to result in the likelihood of an underage sale being minimised.

You will have received an email from us when you first applied for your licence or renewal. This advised that Bromley Trading Standards carry out Test Purchase operations using volunteers in order to check compliance with age restricted product legislation, including the Licensing Act and other relevant legislation. To remind you, free guidance around the prevention of underage sales can be found at www.bromley.gov.uk/tradingstandards including alcohol, knives, tobacco products etc.

It is essential that you and your staff are aware of the requirements of all the legislation and are trained to ask for age identification prior to making a sale, in line with an age verification policy. If the customer does not have acceptable ID, the product should not be sold to them. Remember: No ID, No sale. Acceptable forms of ID are:

- *a proof of age card bearing a PASS hologram*
- *a photocard driving licence*
- *a passport*
- *a military identification card (be aware that these can be held by 16 and 17 year old service people)*

Ensure that the identification matches the person using it and the date of birth shows they are at least the minimum legal age. You do not have to accept all of the above forms of identification. It is good practice to exclude any type of document that your staff are not familiar with. Enclosed you will find some useful pieces including:

- Challenge 25 sign
- Challenge 25 window sticker
- A refusals register

Please contact us if you would like any further information or advice relating to your responsibilities in respect of age restricted products.

Yours sincerely,
Holly Costin
Consumer Protection Inspector and Trading Standards Officer
London Borough of Bromley



Our Ref: 21/00129/LAPRE

Date 29th June 2022

Email

Dear Sir or Madam

Re: **OUTCOME OF THE REVIEW HEARING FOR PREMISES LICENCE AT:
Devrim Management Limited, 5 Station Approach, Lower Sydenham
London SE26 5FD**

A review hearing of the Licensing Sub-Committee occurred on 22nd June 2022

Please see the decision issued by the legal team for this hearing:

Applicant's case

The Applicant explained a key priority for his service was to protect children from harm. In order to prevent underage sales, test purchasing was used. He summarised the chronology of events, which was detailed in the application for the review. He showed the meeting the can of alcohol which had been purchased on 7 April 2022.

Questions to the Applicant

There were none.

Licence Holder's case

Ms Bird spoke for the Licence Holder, who accepted responsibility and that the events had taken place. It was serious, but the circumstances would be explained and the steps taken since set out. The premises were one of five stores operated by the Licence Holder. There were no issues in relation to the other stores, which were outside the borough, and there was deep upset and concern at what had happened.

In the October 2021 Challenge 25 case, the staff member had suffered a bereavement shortly before, so she had not been functioning normally. This was no excuse however. In the April 2022 underage sale, the member of staff was new and did not know the product was alcohol. She had only been working a few hours, was provided with further training, but now no longer worked at the store.

Steps had been taken to ensure there would not be a recurrence. It had not been possible to train the employee from October 2021 immediately afterwards because she went abroad. She had since had refresher training after returning to the UK. The Licence Holder referred to the certificate and signage included in appendix 3. The till system prompted for an age check, which prevented misinterpretation of products like happened in April 2022. It was installed in May 2022 and there had been no problems

since. All staff had had further training. The employee from October 2021 had had enhanced training, as she wanted a personal licence. The Licence Holder supported all staff who want enhanced training. The refusal register was checked by directors weekly if not twice weekly. The Licence Holder wanted to be a positive force in the community and to keep children safe.

Questions to the Licence Holder

The Licensing Officer asked how many members of staff there were. The Licence holder said six and one of them had a personal licence. The Licence Holder acknowledged condition 14 and apologised if this had been breached. It was a matter for committee whether to add any new conditions, but they would be complied with. The committee could require a personal licence holder to be present at all times and further training. The Licence Holder had already taken steps without prompting.

The Chairman pointed out that the certificates in appendix 3 post-dated the underage sale and asked if there had been training previously. The Licence Holder said there had been but was not able to say what particular course.

Final comments

The Applicant reiterated that a stepped approach had been taken and the review was an opportunity to protect children.

Decision

Following an adjournment, members returned and the Chairman announced the licence would be suspended for one month and a condition added that a personal licence holder must be present at all times.

There was no doubt an underage sale had taken place and this was a serious contravention. The premises had improved training and systems afterwards. This was still a serious issue though, so action must be taken.

Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a review of the premises licence at Devrim Management Limited t/a Embas Local, 5 Station Approach, Lower Sydenham London SE26 5FD. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Council's Guidance for Members hearing a Review of a Premises Licence
- The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003
- The application and all oral representations by the Applicant
- All written and oral representations by the Licence Holder

Members noted that the basis for the application was that the licensing objective of protecting children from harm was not being met.

There had been one underage sale and poor training played some role. Given the earlier Challenge 25 failure, there was doubt over the robustness of that policy. The Licence Holder operates several licensed premises and therefore Members expected staff selection and training to have been more effective at preventing the underage sale. Members agreed though that it was incomprehensible for the employee not to have known the product was alcohol. It was therefore more likely that the cause was a one-off failure.

Given the existing licence conditions, Members were not of the view that an additional training condition would be suitable in the circumstances. Children are at risk of harm, so steps must be taken.

Accordingly, it was decided that a licence suspension of one month and an additional condition for a personal licence holder to be present at all times were appropriate steps for promoting the licensing objectives.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.
2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. **It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).**

If you have any questions or problems; please do not hesitate to contact the Licensing Team on the above telephone number.

Yours sincerely

Lee Slaney

Lee Slaney
Licensing Officer

Appendix 5

Satellite Image & Street View of the Premises



EMBAS Local



CITY AM

Embas Local 5 Station approach, Lower Sydenham SE26 5FD



Appendix 6

Guidance Adopted by Members on Review Applications

Guidance for Members hearing a Review of a Premises Licence or Club Premises Certificate

Licensing Act 2003 section 52 & 88 and Part 11 of the Secretary of States Guidance

The purpose of a Review

To ensure that the licence holder is promoting the licensing objectives, which are

1. Prevention of crime & disorder
2. Prevention of public nuisance
3. Protection of public safety
4. Protection of children from harm

Reviews can be brought by any Responsible Authority, individual, business or Ward Councillors on any of the licensing objectives

At a Review Members of the Sub Committee can

1. Modify licence conditions
2. Exclude a licensable activity from the licence
3. Remove the DPS from the licence
4. Suspend the licence for up to 3 months
5. Revoke the licence

Seriousness

After hearing the evidence at a Review hearing Members need to decide the level of seriousness of the failure to promote the licensing objective. This guide suggests factors which Members may consider to be 'aggravating' or 'mitigating' but it is not a definitive list and Members may identify other factors during a Review hearing.

Based on Members views as to seriousness and 'aggravating' or 'mitigating' factors the suggested 'starting Point' for the imposition of actions under Section 52 can be considered and varied 'upwards' or 'downwards'.

Members are advised to note 'aggravating' or 'mitigating' factors and ensure these are recorded in their reasoned decision.

Reviews Based on Crime & Disorder

(Matters referred to in Paragraph 11.29 of the secretary of States Guidance (April 2012))

| Failure to promote the licensing objective by | Aggravating factors | Mitigating factors | Suggested Starting point action by Members in Bold |
|--|--|---|--|
| Manufacture sale or distribution of Class A drugs | <ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review | <ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |
| Sale or distribution of Firearms | <ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review | <ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |
| Underage sales affecting the health, educational attainment employment prospects or the propensity for crime | <ul style="list-style-type: none"> • Evidence of a significant impact / harm on a number of children • Associated with significant crime and / or disorder in the area • 2nd Sale • 2nd Review <p>See also section on underage sales in Protection of Children section</p> | <ul style="list-style-type: none"> • No evidence of a significant impact / harm on a number of children • Not associated with significant crime and / or disorder in the area <p>See also section on underage sales in Protection of Children section</p> | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence See also section on underage sales in Protection of Children section |

| | | | |
|---|---|--|--|
| Use of the premises for prostitution or pornography | <ul style="list-style-type: none"> • Associated with serious organised crime. • Involves children or trafficked women • 2nd Review • Large scale and for a long period | <ul style="list-style-type: none"> • No association with serious organised crime. • No involvement with children or trafficked women • Licence holder genuinely unaware or had tried to deal with the problem • Small scale and for a short period | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence</p> <p>Suspend the licence for up to 3 months Revoke the licence</p> |
| Grooming of children by paedophiles | <ul style="list-style-type: none"> • Organised and large scale • Resulted in psychological harm • Resulted in actual physical abuse | <ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem • No evidence of psychological harm • No evidence of actual physical abuse | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence</p> <p>Suspend the licence for up to 3 months Revoke the licence</p> |
| Use of premises for organised crime especially by gangs | | <ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence</p> <p>Suspend the licence for up to 3 months Revoke the licence</p> |
| Racist activity | <ul style="list-style-type: none"> • Condoned or encouraged by the Licence holder • Associated with organised groups or with organised crime | <ul style="list-style-type: none"> • Licence holder genuinely unaware or had tried to deal with the problem | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence</p> <p>Suspend the licence for up to 3 months Revoke the licence</p> |

| | | | |
|---|---|--|--|
| Unlawful gambling or gaming | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Sale of smuggled alcohol or tobacco | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Crime and Disorder - Other matters | | | |
| Sale, distribution or use of Class B or C drugs | <ul style="list-style-type: none"> • Large scale over a long period • Professional operation • Links to organised crime • 2nd Review | <ul style="list-style-type: none"> • Small scale for a short period of time. • No links to organised crime • Licence holder genuinely unaware or had tried to deal with the problem | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Other underage sales | | | See section on the Protection of Children from harm |

| | | | |
|---|---|--|--|
| <p>Breach of Licence conditions 1st occasion</p> | <ul style="list-style-type: none"> • Previous warnings ignored | <ul style="list-style-type: none"> • Minor breach | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| <p>Breach of Licence conditions 2nd occasion</p> | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

Reviews Based on Prevention of Public Nuisance

| Failure to promote the licensing objective by | Aggravating factors | Mitigating factors | Suggested Starting point action by Members |
|--|---|---|--|
| One off serious noise nuisance | <ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained | <ul style="list-style-type: none"> • Short duration affecting limited number of people • Not deliberate • Full cooperation by licences | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| More than one serious noise nuisance or second Review for a similar matter | <ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Deliberate and persistent noise / nuisance, anti social behaviour | <ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

| | | | |
|---|---|--|--|
| <p>Breach of Licence conditions 1st occasion</p> | <ul style="list-style-type: none"> • Previous warnings ignored | <ul style="list-style-type: none"> • Minor breach | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| <p>Breach of Licence conditions 2nd occasion</p> | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

Reviews based on Public Safety

| Failure to promote the licensing objective by | Aggravating factors | Mitigating factors | Suggested Starting point action by Members |
|--|--|--|--|
| One off failure to protect public safety / breach of a licence condition / A matter dealt with by an Improvement Notice | <ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Repeated failures to protect public safety / Serious single failure or breach of condition / a matter dealt with by a Prohibition Notice | <ul style="list-style-type: none"> • Long duration affecting many people • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Deliberate / persistent placing of public / staff at risk | <ul style="list-style-type: none"> • Actual harm caused • Risk of significant harm • Deliberate act • Lack of cooperation from the licensee • Significant financial gain obtained | <ul style="list-style-type: none"> • No actual harm caused • Risk of minor injury • Cooperation | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

| | | | |
|---|---|--|---|
| <p>Breach of Licence conditions 1st occasion</p> | <ul style="list-style-type: none"> • Previous warnings ignored | <ul style="list-style-type: none"> • Minor breach | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| <p>Breach of Licence conditions 2nd occasion</p> | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

Reviews Based Protection of Children from Harm

| Failure to promote the licensing objective by | Aggravating factors | Mitigating factors | Suggested Starting point action by Members |
|--|---|--|--|
| 1 st time underage sale | <ul style="list-style-type: none"> • Poor Management • No effective challenge policy • Poor training • Deliberate • Significant financial gain | <ul style="list-style-type: none"> • Effective challenge policy but a one off failure | Vary conditions Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |
| 2 nd Underage sale | <ul style="list-style-type: none"> • Failed to respond to previous sale • Deliberate • Significant financial gain • Failed other underage sales for age restricted products | | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |
| Permitting children to be in premises where there is drunkenness | <ul style="list-style-type: none"> • Younger children would be treated more seriously • Regular occurrence | <ul style="list-style-type: none"> • Older children may be treated as being less serious • Infrequent occurrence | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |
| Exposing children to age restricted films | <ul style="list-style-type: none"> • Poor Management • no effective challenge policy • Poor training • Deliberate • Significant financial gain | <ul style="list-style-type: none"> • Effective challenge policy but a one off failure | Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence |

| | | | |
|--|---|--|--|
| Exposing to entertainment of an adult , sexual, violent nature | <ul style="list-style-type: none"> • Poor Management & supervision • No effective challenge policy • Poor training • Deliberate • Significant financial gain | <ul style="list-style-type: none"> • Effective challenge policy but a one off failure | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Permitting children to gamble | <ul style="list-style-type: none"> • Poor Management & supervision • No effective challenge policy • Poor training • Deliberate • Significant financial gain | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Breach of Licence conditions 1 st occasion | Previous warnings ignored | <ul style="list-style-type: none"> • Minor breach | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |
| Breach of Licence conditions 2 nd occasion | | | <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> |

Appendix 7

Transfer of Premises Licence Application and Current Premises Licence

Application to transfer a Premises Licence

Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS

Before completing this form please read the guidance notes.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us – click on the Submit Form button. You will then need to complete the online payment process for the application to be complete.

You may wish to print and keep a copy of the completed form for your records. For help or information about filling in this type of electronic form, click on the 'help' button.

Please note: You must send the original licence and consent form (Page 14) to the Council after you have submitted this application. Your application will not be deemed valid until these documents have been received, or a reason provided as to why the original cannot be sent.

I / We

Elsa Retail Limited

Apply to transfer the premises licence described below under Section 42 of the Licensing Act 2003 for the premises described on the next page.

Premises Licence number

21/00129/LAPRE

Part 1 – Premises Details

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

5 Station Approach
Lower Sydenham
London
SE26 5FD

Telephone number at premises

Please give a brief description of the premises

Grocery Supermarket and Off Licence

Name of current premises licence holder

Devrin Man. Ltd Devrin Retail Ltd

Part 2 – Applicant’s Details

In what capacity are you applying for the premises licence to be transferred to you?

As a Limited Company

Please confirm

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

I am making the application pursuant to a:

Statutory function

A function discharged by virtue of His Majesty's prerogative

Individual Applicants

If you are applying as an individual(s), then the Home Office require evidence of the right to work in the UK.

Title

Surname

First names

Are you 18 years older or over? No Yes

Date of birth

Current postal address

Daytime contact telephone number

Email address

Do you wish to add a second individual applicant?

No

Second Individual Applicants

Title

Surname

First names

Are you 18 years older or over?

No

Yes

Date of birth

Current postal address (if different from previous address)

Daytime contact telephone number

Email address

Other Applicants

Please provide the name and registered address of applicant in full. Where appropriate, please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name

Elsa Retail Limited

Address

5 Station Approach
Lower Sydenham
London
SE26 5FD

Registered number (where applicable)

14673797

Description of applicant
(e.g., partnership, company,
unincorporated association etc)

Limited Company

Telephone number (if any)

Email address

info@embas.co.uk

Part 3

Are you the holder of the premises licence under an interim authority notice?

No

Yes

Do you wish the transfer to have immediate effect?

No

Yes

If not, when would you like the transfer to take effect?

I will provide the Council with a copy of the consent form signed by the existing premises licence holder

No

Yes

If you cannot provide the consent form referred to above, please give the reasons why not. What steps have you taken to try and obtain the consent?

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

No

Yes

I will provide the council with a copy of the premises licence

No

Yes

If you can't provide the premises licence referred to above, please give the reasons why not?

Part 4 – Declaration (see guidance note 2)

I will provide the consent form (page 9) signed by the existing premises licence holder or have included my statement as to why it will not be provided

I will provide the premises licence, or the relevant part of it or have explained as to why it will not be provided (page 8)

I understand that I must return the original licence to the council. If this is not returned my application will not be valid.

I understand that I must send the original consent form (page 9) to the council. If this is not sent, my application will not be valid.

I understand that if I do not comply with the above requirements my application will be rejected

I/We understand that is an offence, under Section 158 of the Licensing Act 2003. To make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine or any amount.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. I have included documents demonstrating my entitlement to work in the UK.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

Confirmation of the applicant or applicant's solicitor or other duly authorised agent (see guidance note 3). If completing on behalf of the applicant, please state in what capacity.

Name

Confirmation

Date

Capacity

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other duly authorised agent (see guidance note 4). If completing on behalf of the applicant, please state in what capacity.

Name

Confirmation

Date

Capacity

Correspondence Details

Contact name (where not previously given) and postal address for correspondence associated with the application (please read guidance note 5)

Contact name

Contact address

Telephone number (if any)

If you would prefer us to correspond with you by email, please provide your email address below

Email address

Custom Process Configuration

XML Specific

| | |
|-------------------|--|
| Application type | |
| Licence Case Type | |
| Licence Status | |
| XML Template | |
| CAPS Reference | |

Payments request

| | |
|-------------------|--|
| CallingAppID | |
| CallingAppRef | |
| PaymentSourceCode | |

Response response

| | |
|-------------------------------|-----------|
| PaymentAuthorisationCode | |
| IncomeManagementReceiptNumber | 042-32586 |
| Originators Reference | |
| CardScheme | |
| CardType | |
| PaymentAmount | |
| ResponseCode | SUCCESS |
| ResponseDescription | |
| Number of payment lines | |

Payment 1

| | |
|-----------------|-----------------|
| Receipt Number | |
| DueDate | |
| PaymentType | |
| Pay Description | |
| XML Description | |
| PaymentDue | £23.00 |
| Paid | |
| Payment Date | 23/03/2023 |
| Fund | |
| Reference | 5804008407F0981 |

Form Calculations

| | |
|-----------------------------|--------------------------|
| Title Casing | |
| Sentence Casing | |
| UPRN for address lookup | 010070017046 |
| Boolean to "hide" this page | <input type="checkbox"/> |
| Licence lookup | |
| Licence lookup | |
| Field for fee array | |

Other Custom Calculations

| | |
|------------------------|--|
| Email for notification | |
| Customer email body | |
| Customer email text | |
| Internal email | |

Extra Information

Please use this page if there is any other information that you think we should know about

A large, empty rectangular box with a thin black border, intended for providing additional information. The box is currently blank.

Consent of premises licence holder to transfer

I/we Devrim Management Limited, now Devrim Retail Limited (12618023)
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 21/00129/LAPRE
[insert premises licence number]

relating to

Embas Local, 5 Station Approach, Lower Sydenham, London SE26 5FD
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

21/00129/LAPRE
[insert premises licence number]

to

Elsa Retail Limited (Co. Reg. No. 14673797)
[full name of transferee].

signed



name
(please print)

Sahin Tasyurdu (Director)

dated

14-03-2023

LICENSING ACT 2003

**Premises Licence
London Borough of Bromley**

Premises licence number

21/00129/LAPRE



Steve Phillips
Nuisance, ASB, Health, Safety and Licensing Manager

Licence Granted 16th April 2021

Issue Number

002

This licence consists of **9** pages (Including Licence Summary)

Part 1 – Premises Details

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

Embas Local
5 Station Approach
Lower Sydenham
London
SE26 5FD

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Alcohol Off Sales

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

Off the Premises only

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 09:00 to 03:00
Hours Open to the Public on Sunday from 08:00 to 00:00

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

Alcohol Off Sales on Monday–Sunday from 09:00 to 22:00

Part 2

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

Elsa Retail Limited
of
5 Station Approach
Lower Sydenham
London
SE26 5FD

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

Registered under 14673797 Limited Company

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

Full Name: Mr Ismail Akkiz
Address: Flat 1A 204-216 Ridley Road London E8 2NH

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

DPS Licence Ref: PERS/2021/0127 issued by London Borough Of Hackney

Mandatory Conditions

1. Supply of Alcohol:

(1). No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2). Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Age Verification:

(1). The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2). The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

3. Permitted Price:

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4). (1). Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2). The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

4. Films:

(1). The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2). In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

5. Door Supervision:

- (1). Any individual employed at the premises as a door supervisor must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Conditions consistent with the Operating Schedule

Held by the Licensing Authority Ref Number: **21/00129/LAPRE**

Date: **16th April 2021**

General

The premises is licenced to operate as a Grocery Supermarket with the sale of alcohol for consumption off the premises only.

Alcohol displayed on the premises restricted to a maximum of 25% of the retail space.

Crime and disorder

6. All relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 6 Months (or earlier as necessary).

7. Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.

8. No open containers will be supplied ancillary to alcohol to take away customers.

9. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31-day period, such copies shall in any event be provided within forty-eight (48) hours.

10. At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulders images of a standard that will enable identification of each person entering and leaving the premises.

11. Ensure that signage is displayed on the premises reminding customers that CCTV is in operation, or alternatively display (within the public area of the premises) live images from the premises CCTV system, for the purposes of crime prevention.

12. The licence holder shall notify the Police within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by the premises is not in operation.

13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system.
- (f) Any refusal of the sale of alcohol
- (g) Any visit by a relevant authority or emergency service

14. No single cans of beer, lager, stout or cider in cans of less than 500 ml (millilitres) or single bottles of beer, lager, stout or cider in bottles of less than 330 ml (millilitres) may be sold in a single transaction.

15. No spirits shall be sold in bottles of less than 10cl (centilitres).

16. All spirits must be displayed behind the counter and all other alcohol shall be displayed in clear line of sight of the counter.

17. All alcohol not on display will be stored in a lockable store.

18. The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.

19. The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.

20. All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Public Safety

No Conditions

Prevention of Public Nuisance

22. Ensure that signage is displayed by the main exit reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly, thank you' or similar wording to this effect.

23. The shop front will be kept tidy at all times and shall be swept at closing time.

24. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.

Protection of Children from Harm

25. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

26. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.

27. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.

28. The premises will display publicity materials relating to the Challenge 25 scheme.

Conditions attached after a hearing by the Licensing Authority

Not applicable

Plans

Held by the Licensing Authority Ref Number: **21/00129/LAPRE**
Date: **16th April 2021**

LICENSING ACT 2003**Premises Licence Summary****Premises licence number****21/00129/LAPRE**

Steve Phillips
Nuisance, ASB, Health, Safety and Licensing Manager

Licence Granted 16th April 2021

Issue Number

002This licence summary consists of **2** pages**Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**

Embas Local
5 Station Approach
Lower Sydenham
London
SE26 5FD

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence

Alcohol Off Sales

The opening hours of the premises

Hours Open to the Public on Monday-Saturday from 09:00 to 03:00
Hours Open to the Public on Sunday from 08:00 to 00:00

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

Off the Premises only

The times the licence authorises the carrying out of licensable activities

Alcohol Off Sales on Monday–Sunday from 09:00 to 22:00

Name, (registered) address of holder of premises licence

Elsa Retail Limited
of
5 Station Approach
Lower Sydenham
London
SE26 5FD

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

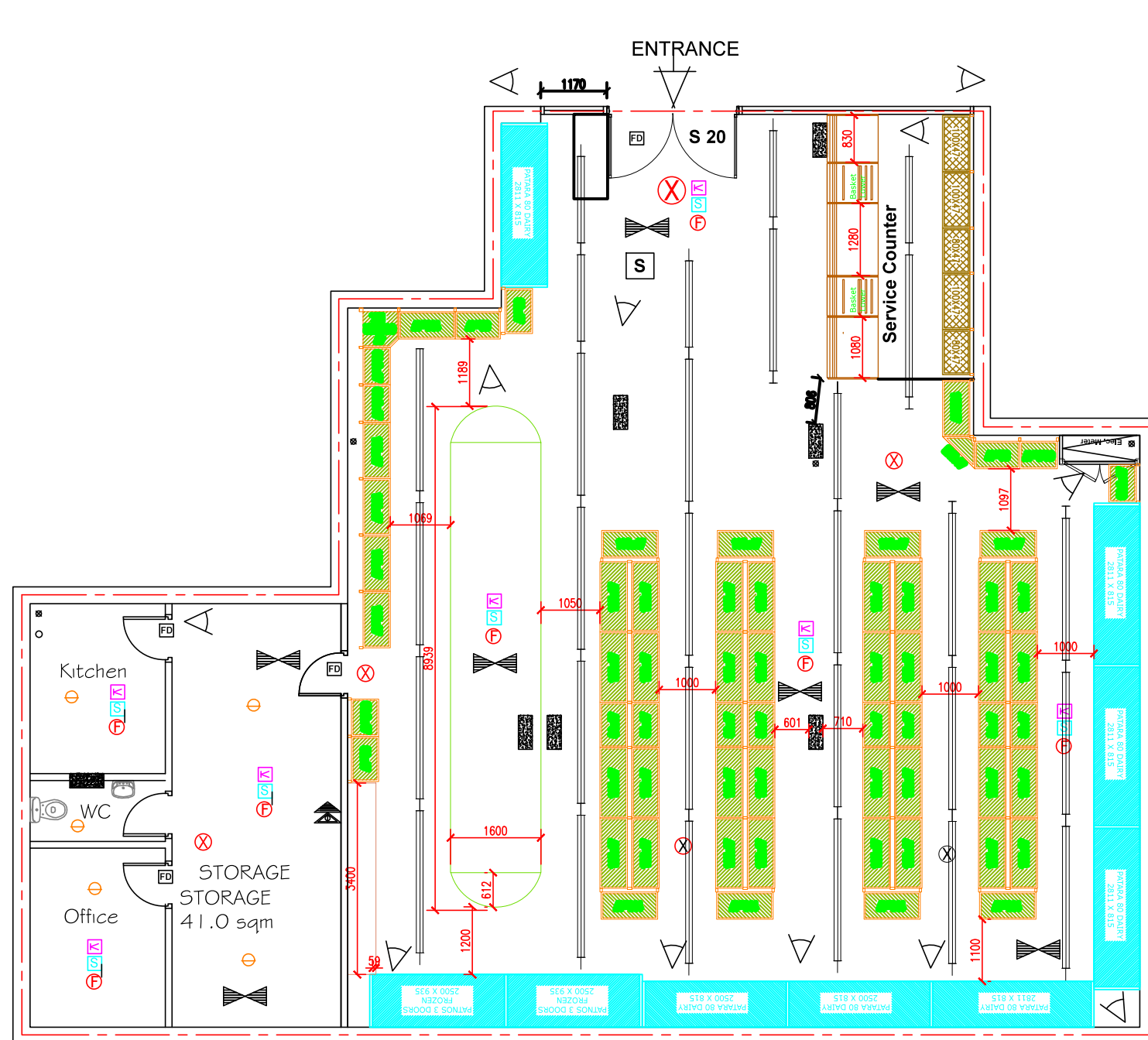
Registered under 14673797 Limited Company



















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

Full Name: Mr Ismail Akkiz

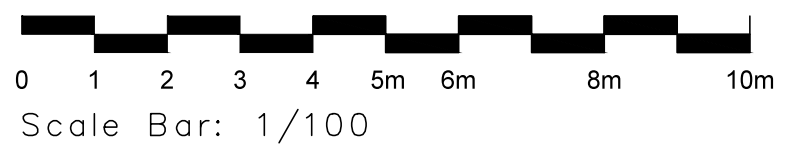
State whether access to the premises by children is restricted or prohibited

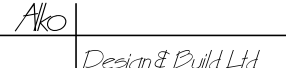
Not Applicable



- ### LEGEND
-  WC AREA
 -  FRIDGE
 -  LIQUOR SHELF
 -  AMBIT OF LICENSED PREMISES
 -  SAFETY LIGHTS
 -  SMOKE DETECTOR
 -  CARBON DIOXIDE FIRE EXTINGUISHER
 -  9 LT. WATER FIRE EXTINGUISHER
 -  S 20 FIRE ESCAPE KEEP CLEAR
 -  CCTV
 -  S 22 INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
 -  FB FIRE BLANKET
 -  FAN 6lt/s
 -  FIRE ALARM BELL
 -  FD FIRE DOOR
 -  FIRE SWITCH PANEL
 -  Fire Alarm
 -  Auto. heat detector mains operated and linked

Proposed Fitout Plan



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|  ARCHITECTURAL & ENGINEERING DESIGN 2 CHEAPSIDE, NORTH CIRCULAR ROAD LONDON, N13 5ED T: 0772 333 1891, 020 3213 0192 e-mail: akosele@alkogroup.co.uk www.alkogroup.co.uk | Project: Shop Refurbishment |
| | Drawing Title: Proposed Fitout Plan |
| | PROJECT ADDRESS :Unit2, 7 Station Approach, Lower, Sydenham, London, SE26 5BN |
| | SCALE : 1:100 @ A3 DATE : Oct./2020 |
| | Project No: 2020-03 |