MINUTES OF
LICENSING SUB-COMMITTEE

Wednesday, 4 November 2015
(7:00 - 8:10 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Faruk Choudhury
and Cllr Chris Hughes

Apologies:

19. Declaration of Members' Interests

There were no declarations of interest.

20. Application to Vary a Premises Licence: Way2Save, 147 Ripple Road,
Barking, Essex, IG11 7PW

The Principal Licensing Officer presented a report to the Sub-Committee
concerning an application to vary the premises licence of Way2Save, 147 Ripple
Road, Barking, Essex IG11 7PW.

The Sub-Committee were advised that the application was to extend the opening
hours to sell alcohol for consumption off the premises. The application for the
variation of the licence (including hours) and the current premises licence were
appended to the report.

During the consultation period, one valid representation had been received from
the Metropolitan Police, raising relevant concerns around noise from people
visiting the premises in the early hours of the morning and crime and disorder in
the area. A copy of the Metropolitan Police representation and a statement from
PC Scott Mahoney was appended to the report.

The Chair invited Andrew O'Connor PC 519KG and PC Scott Mahoney to address
the Sub Committee.

The Sub-Committee were advised that although the store was considered to be
professionally run, there were overriding concerns that the extended hours at the
premises would attract antisocial behaviour and crime in the area. In particular,
concerns were raised regarding:

- Individuals rushing to buy alcohol before the premises stops selling alcohol
- Youths congregating outside the premises
- Care and residential homes in the area being disturbed by those
  congregating by the premises
- Criminal activity of those congregating outside the premises
- Complaints from neighbours
- Alcohol dependency issues currently in the area

In response to questions, PC Mahoney advised that there was no evidence
relating to problems from Way2Save, there was not a dispersal order in place or
being applied for to disperse those congregating outside the premises however an Antisocial Behaviour Order was being applied for in relation to issues with the care/residential homes in the vicinity.

Mr Graham Hopkins, the applicant’s representative, was then invited to address the Committee advising that,

- The premises was currently open 24 hours a day, however alcohol was only sold for part of the opening times.
- The premises was well run, with a CCTV system in place, Challenge 25 and staff training. Customers who were clearly under the influence of alcohol were not served.
- The premises had always cooperated with the Police.
- The applicant was due to sell the premises for personal reasons and the proposed buyer had been working in the premises and already ran another premises in the Borough.
- There had been no representation from other persons or responsible authorities except for the Police.
- There was no evidence from the Police to link the premises to the issues that had taken place in the surrounding area.

Mr Hopkins then took the opportunity to present the Sub-Committee and the Police with proposed additional conditions to be placed on the licence.

In response to questions from the Sub Committee, Mr Hopkins advised that alcohol was kept behind the tills and next to the tills and was currently covered up after 11pm. There were four members of staff working in the premises over night.

The Chair then gave all parties the opportunity to sum up before members retired to deliberate.

**DECISION**

The Sub-Committee considered all evidence and representation made to them.

The Sub-Committee decision was to grant the application to vary the licence as applied for, with the proposed conditions as submitted by the premises.

**21. Application for a Review of the Premises Licence for Bottle Green, 60 Station Parade, Barking, Essex, IG11 8EA**

The Licensing Officer presented a report to the Sub-Committee concerning an application for a review of the premises licence for Bottle Green, 60 Station Parade, Barking, IG11 8EA.

The current Premises Licence was held by Kirubakaran Rajaratnam who was also the Designated Premises Supervisor (DPS).

The Sub-Committee were advised that on 26 August 2015 an application for the Review of the Premises Licence was received from Andrew O’Connor PC 516KG on behalf of the Chief Officer of Police for the Metropolitan Police, under the Licensing Objectives of Crime and disorder and the Protection of Children from harm, public safety and the prevention of public nuisance.
The Police were asking for conditions to be added to the licence which currently held conditions carried over from the Licensing Act 1964. These included:

1. Challenge 25 scheme
2. Refusals Book
3. Record of Authorisation
4. CCTV
5. Staff Training

The Sub-Committee noted that the reason for review was that alcohol was sold to a 16 year old under a test purchase operation.

The Chair invited PC O’Connor to address the Sub-Committee. PC O’Connor advised that following discussions with the premises, the proposed conditions had been accepted.

The Chair invited Mr Rajaratnam to address the Sub-Committee. Mr Rajaratnam advised that he had accepted the conditions by the Police and many were already in place, although he requested that Challenge 25 be dropped to Challenge 21 to appease his customers.

In response to the failed test purchase, Mr Rajaratnam advised that this was the first incident in 15 years. The alcohol was served by a new member of staff who had recently joined the premises following experience of working in and training staff in another premises.

The Chair allowed those present to sum up before the Sub-Committee retired to deliberate.

DECISION

The Sub Committee had regard to the Licensing Act 2003, the statutory guidance issued, the Councils Licensing Policy and all matters presented before it, both written and aural.

The Sub Committee agreed that in order to promote the licensing objectives to vary the licence for Bottle Green as follows:

1. Challenge 25 Scheme:- The premises shall operate in accordance with the ‘Challenge 25’ scheme. The scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who is, or appears to be under 25 years of age will be asked for ID. Notices to this effect should be displayed in clear and prominent positions at the premises. The only proof of age accepted in respect of the sale of alcohol shall be a photo’ driving licence, passport, and other approved photographic ID bearing the PASS hologram.

2. Refusals Book:- A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the Licensing Authority. Entries in this book must be made as soon as
practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

3. Record of Authorisation:- A written record of those authorised to make sales of alcohol shall be kept, this should be endorsed by the DPS with the date such an authorisation commences. This record shall be available to any police officer, police community support officer or authorised officer of the Licensing Authority.

4. CCTV:- A CCTV system shall be installed, kept and maintained at all times during the currency of the licence. The CCTV system serving the premises shall:
   a. be maintained, fully operational and in good working order at all times (if the system breaks down then police should be informed immediately and repaired within two working days).
   b. make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol;
   c. the CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days.
   d. The original, or a copy of the CCTV recording, will be available on request to the Police and Local Authority within 48 hours.
   e. Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.

5. New Staff Members:- All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. This training should be recorded in a staff training log and be made available on demand to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

6. Continuation Training for all staff members:- All staff shall receive training on the prevention of underage sales at least every six months. Such training shall be recorded in a Staff Training Log showing what training has been given to whom by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.

22. Application for a Personal Licence

The Councils Licensing Officer presented a report in relation to an application for a personal licence.

The Sub Committee noted the applicant was not present however agreed to proceed with the hearing as the application had already been deferred due to non attendance.

Upon receipt of the application, a Disclosure and Barring Service (DBS) disclosure showed an unspent conviction that was a relevant offence as specified in Schedule 4 of the Licensing Act 2003. Due to the relevant office, the application was referred to the Police, who had objected.
The Chair invited Andrew O’Connor 516KG PC to address the Sub Committee. PC O’Connor advised that due to the relevant conviction, the granting of the licence would seriously undermine the prevention of crime objective of the Licensing Act and therefore the Metropolitan Police objected to the granting of the application.

The Sub Committee retired to make their decision.

DECISION

The Sub-Committee considered in detail the submissions and evidence submitted by the Police.

After consideration, the Sub-Committee decided to reject the application as it considered it necessary for the promotion of Licensing objective of prevention of crime.