Present: Cllr Kashif Haroon (Chair), Cllr Hardial Singh Rai (Deputy Chair) and Cllr Laila M. Butt

Apologies:

47. Declaration of Members' Interests

There were no declarations of interest.

48. Licensing Act 2003: Way-2-Save, 147 Ripple Road, Barking, IG11 7PW - Summary Licence Review

The Premises License Holder Mr Murat Alma appeared and was represented by his agent, Mr Graham Hopkins, GT Licensing Consultants, and also supported by Mr Kilic of the National Association of Resale and Thrift Shops (NARTS). The Police, who were the applicant in this matter, were also in attendance and represented by PC Oisin Daly.

The Senior Licensing Officer presented the report to the Sub-Committee in regard to the application under Section 53A-D of the Licensing Act 2003 for a summary review of the premises licence issued by the Local Authority to Mr Murat Alma, in respect of the trading premises know as ‘Way-2-Save’ situated at 147 Ripple Road, Barking, Essex, IG11 7PW. The application, received on 14 December, had been made on behalf of the Chief Officer of the Police. Such applications are generally made in cases where the Chief Officer of the Police is satisfied that the premises are associated with serious crime or disorder. The review had to be held within 48 hours.

By Minute 46, 15 December 2017 the Sub-Committee met and considered ‘interim steps’ and had agreed to suspend the premises licence, the details of which were set out in the report. The Senior Licensing Officer explained that the Sub-Committee was now being asked to undertake the full review of the premises licence and the interim steps applied on the 15 December.

The interim steps and full review request had come about because of incidents on 26 November and 1 December 2017, the details of which were provided in section 2.1.4 of the report. CCTV footage of the incidents had been provided by the manager to the Police.

The Sub-Committee were advised that in December 2016 Mr Alma had applied to extend the original licensed operating hours to enable the premises to sell alcohol 24 hours a day, 7 days a week (24/7). The application had been opposed by the Police and the local ward Councillors but had been granted on 2 February 2017, subject to several special conditions concerning SIA licensed door supervisors, extension of CCTV to external areas and the prohibition of sales of single cans and bottles and on super strength beers and ciders. On the 2 June 2017 the
Council’s Licensing Team had visited the premises and found that single bottles of alcohol were on sale, staff were not aware of Challenge 25 verification scheme, staff records had not been updated since September 2016 and the refusal book had not been updated since August 2016, nor was the record of staff authorised to sell alcohol produced. A copy of the letter sent to Mr Alma about those contraventions was attached as Appendix C to the report. Mr Alma was both the Licence holder and the Designated Premises Supervisor (DPS). Mr Alma had not been on site during either of the incidents.

Licensing Officers had visited the premises on several occasions since the licence was suspended on 5 December, and found that all the conditions of the suspension were being complied with. It was also noted that a separate underage test purchase for alcohol had been carried out earlier in the year and the premises had passed that.

The Senior Licensing Office informed the Sub-Committee the Licensee had also provided some additional papers to Licensing Officers regarding individual employees, but these had not been provided to the Sub-Committee because of Data Protection restrictions, however, the receipt and general consensus of their content may be referred to during the discussions tonight.

The Senior Licensing Office advised that the Police and Licensee have been in discussion and were presenting several terms for consideration by the Sub-Committee, the details of which were set out in the letter from the Police, dated 5 January 2018, which was included in Supplementary 1 to the agenda.

PC Daly confirmed that there had been significant progress with the Premises License Holder and DPS since the last hearing. A number of discussions had taken place and the Police had agreed suitable conditions, which they felt would be sufficient to address the concerns that gave rise to the application, and which would further the licensing objectives.

Councillor Rai asked if the staff had been given any proper training to deal with drunk or aggressive customers. The Senior Licensing Officer advised that only the DPS was required to undertake training.

In response to a question from the Chair, the Senior Licensing Officer advised that Licensing Officers had made three separate visits to the premises since the Sub Committee meeting on 15 December.

PC Daly asked if the Sub-Committee wished to view the CCTV evidence of the GBH. The Clerk advised that there was an issue with the computer terminal which meant that it could not be viewed on the large screen. The Licensee’s agent advised that Mr Alma was shocked and alarmed by its content when he had seen it himself and he did not contest the evidence and its serious nature. Accordingly, it was felt that it was not necessary to view the CCTV.

The agent advised that that Mr Alma had taken action in regard to the employment of the staff concerned and was now taking a much more hands-on role of the premises, including tighter management of staff. Since the incident Mr Alma had also undertaken a number of surprise inspections and searches of the premises himself and had found no weapons. Following the decision on the 15 December
the alcohol had been immediately removed from sale and he had complied with all conditions that had been imposed.

The agent advised that shutters, CCTV and panic buttons had all be installed and Mr Alma felt that, regardless of the decision tonight, it would be an appropriate step for the business to become a daytime business and he had reduced the hours of business operation from 24/7 to 7.00 a.m. to midnight. However, if the Sub-Committee agreed to reinstate a premises licence, Mr Alma wished to limit the time that alcohol would be on sale and he was suggesting this be reduced further from 24/7 to 9.00 a.m. to 11.00 p.m. and that a personal licence holder would be available on site at all times alcohol was being sold. The alcohol would be shuttered to remove access to it outside of 9.00 a.m. to 11.00 p.m. and the exterior of the shop would be shuttered and locked between midnight and 7.00 a.m. Training on licensing sale requirements would be reinforced with staff and violence and aggression training was being looked at. The agent advised that he had personally stressed to Mr Alma the seriousness of the incidents and that if the Sub-Committee agreed to new conditions and the reinstatement of a premises licence, should there be any infractions then there was a very strong possibility that the licence would be permanently revoked on the premises.

Cllr Rai asked if the staff signing in area was covered by CCTV and would the Licensee be willing to install additional CCTV within the property. Mr Alma indicated that that he would. The agent and Mr Alma advised that the CCTV system, which had been installed, also had a panic button which, when activated, would initiate a police presence. Mr Alma also indicated a willingness to improve lighting at the shop front / forecourt.

The Chair asked Mr Alma directly if he understood the serious nature of the incident and the current position and in ensuring staff complied with licensing requirements. Mr Alma confirmed that he did.

The Council’s legal advisor, Mr Adam Rulewski, asked if there was any intention to continue with the current SIA overnight condition. PC Daly confirmed that the Police would not be asking for this as the proposal was that the business would cease to sell alcohol at 11.00 p.m. The agent indicated that as the premises would be closed at midnight there did not seem to be any need for overnight security.

The agent asked if the interim steps measures could be considered in light of the proposals.

The Sub-Committee adjourned to discuss the interim steps, full review details and proposals presented.

The Sub-Committee reconvened, and the proposed conditions were read out by Mr Rulewski.

**DECISION ON THE REVIEW**
The Licensing Sub-Committee having considered a review of the premises license, following the interim steps hearing on 15 December 2017, determined to amend the conditions to reflect the agreement reached with the Police, with additional conditions in relation to the lighting, to formalise the panic button, and to introduce a staff sign in book. In reaching their decision the Sub-Committee had regard to
all submissions made and the contents of the agenda pack, as well as the appropriate legislation and s.182 guidance. Accordingly the decision was to vary the license as follows:

(i) Opening Hours will be 7.00 a.m. to midnight.

(ii) Operating Hours for sale of alcohol 9.00 a.m. to 23.00 p.m. seven days per week.

(iii) All alcohol displays will be covered by rigid lockable steel shutters, which will be locked shut outside of permitted operating hours for the sale of alcohol. The shutters must cover the entire alcohol display to prevent customers gaining access to the alcohol outside of permitted hours.

(iv) The keys for the alcohol display shutter must be kept locked away or under the custody of the Personal Licence Holder, Designated Premises Supervisor or Duty Manager at all times.

(v) Clear notices stating the permitted hours for the sale of alcohol consumption off the premises must be prominently displayed at the entrance door to the premises, by the tills, and by/above the alcohol displays.

(vi) At all times that alcohol is offered for sale, a personal license holder shall be present at the premises.

(vii) The shop front shall remain well-lit at all times.

(viii) The premises will maintain a CCTV system accompanied by a panic button providing for Police response.

(ix) CCTV shall be installed in the locker room and in any areas of the premises where alcohol is kept, stored or sold.

(x) A staff sign in book will be maintained to, in particular but not be limited to, record the sign in and sign out times of personal license holders and must be made available to Police, Council and other authorised staff or other Government agencies.

(xi) A full human resources management system must be maintained where all relevant documents are stored for each individual member of staff.

(xii) All copies of relevant documents for members of staff will be maintained for a period of 24 months post termination of employment and will be made available to Police, UK Border Agency and Council Licensing Officers on request.

(xiii) The premises license holder will work with People Force International, or any other similar agency, to carry out checks on the Home Office website and verify the identification documents, such as
right to work documents, to ensure that all new members of staff can be legally employed.

(xiv) No new member of staff will be able to work at the premises unless they have provided satisfactory proof of identification and of their right to work in the UK.

(xv) The requirement at annex 3 for retention of SIA security staff between the hours of midnight and 6.00 am will be removed.

The Sub-Committee announced that it then had to make a determination of the currently operative interim steps. It indicated that it was minded to vary the interim steps (currently; suspension) to reflect the conditions which will take effect following its review. However, it was mindful that some of these may not be achieved immediately. The License holder was asked if any time was needed to implement any steps, and he indicated two days would be required to install lighting and shutters. However, they were not intending to open for 10 days as they were intending to alter the layout of the interior of the shop to improve the security of the alcohol area and general shop layout. The application for a minor variation for this would be provided to the Licensing Officers.

The Sub-Committee retired to consider the response.

The Sub-Committee reconvened,

**DECISION ON INTERIME STEPS**

The decision of the Sub Committee is that the interim steps will be amended and will be identical to its review decision, save that the conditions in relation to lighting and shutters will not be required to be implemented until 11 January 2018.

The interim steps will cease to have effective from the coming into effect of the decision made on determination of the review.