MINUTES OF
LICENSING SUB-COMMITTEE

Tuesday, 13 February 2018
(7:00 - 7:43 pm)

Present: Cllr Kashif Haroon (Chair), Cllr Hardial Singh Rai (Deputy Chair) and Cllr Chris Hughes

49. Declaration of Members' Interests

There were no declarations of interest.

50. Licensing Act 2003 - Oltenia, 135 Broad, Street, Dagenham, RM10 9HP - Premises Licence Review

Ms Rachel Taylor, Licensing Support Officer (LSO), introduced the report and explained that on 15 December 2017, the Council’s Trading Standards Service had applied for a review, under Section 51 of the Licensing Act 2003, of the premises licence held by Mrs Ceresella Pituru in respect of the trading premises known as Oltenia, 135 Broad Street, Dagenham, RM10 8PP.

The application for review of the licence was supported by the Council’s Licensing Authority Responsible Officer, Public Health and the Chief Officer of the Metropolitan Police.

The LSO provided the Sub-Committee with the background to the premises including its hours of operation and trading, the licencing history and current conditions and past history of incidents relating to the premises. It was noted that since the grant of the licence to Mrs Pituru there had been several notable incidents involving the premises, which were summarised as:

- On 4 August 2016, Mrs Pituru was fined £350.00 with £750.00 costs by Barkingside Magistrates Court in respect of non-compliant tobacco and alcohol products found in Mrs Pituru’s possession on the licensed premises by Trading Standards Officers.

- On 4 April 2017, Mrs Pituru signed a simple caution relating to potential alcohol duty and licensing offences arising from a visit to the premises by Trading Standards Officers. In doing so, Mrs Pituru made a voluntary contribution of £450 towards investigation costs.

- On 25 May 2017, the premises failed a Trading Standards underage test purchase of alcohol (subject of this review).

- On 8 June 2017, illicit tobacco and alcohol were found upon the premises by Trading Standards Officers (subject of this review).

- On 6 December 2017, during the course of a Housing Standards inspection by Council and Police Officers, a large quantity of suspected illicit cigarettes were found in boxes in a bedroom at the flat above the premises. The case
is currently under investigation.

The Sub-Committee noted that in addition to the public papers there were further details in the private and confidential section of the agenda regarding the ongoing Police investigation.

Mr Vince Searle, Senior Trading Standards Officer, advised that there had been complaints about the sale of non-compliant cigarettes and alcohol (lack of UK health warnings etc, on goods) in the area, which had resulted in Trading Standards undertaking an enforcement check to shops in Broad Street, including Oltenia. Mr Searle stressed the concerns of Trading Standards regarding the amount of non-compliant goods that had been found on the premises, which suggested a clear disregard for the Licensing Objectives, and recommended that the premises licence should be revoked.

The Sub-Committee then heard from Mr John Smith, Licensing Authority Responsible Officer, who shared the significant concerns regarding the operation of the premises in the context of the Licensing Objectives. Mr Smith advised that the Licensing Authority also recommended a revocation of the licence and had also put forward some additional licence conditions, as detailed in the agenda, should the Sub-Committee be minded not to revoke the premises licence.

The Sub-Committee then heard from Ms Jill Williams, Shared Care Coordinator for Public Health, who spoke on the impact of sales of alcohol and tobacco to underage purchasers.

The Sub-Committee also heard the representations from the Chief Officer of the Metropolitan Police, represented by PC Michael Sears. PC Sears stated the Police had serious concerns in relation to the operation of the premises and did not feel that it had been, nor would likely be, managed in such a manner as to meet the licensing objectives. Furthermore, the premises were associated with potential criminal activity through duty avoidance and, for those reasons, the Police were also seeking a revocation of the premises licence.

The Chair then invited Mrs Pituru, the Premises License Holder, to address the Sub-Committee. Mrs Pituru confirmed that she had chosen not to have any representation or support present.

Mrs Pituru stated that she was guilty and accepted that it her fault as she was in charge of the premises. The Chair reminded Mrs Pituru that the hearing was her opportunity to present her case to the Sub-Committee and to explain the events as she saw them. Mrs Pituru responded that she accepted the blame as it had happened in her premises. Mrs Pituru offered no other mitigation as to why the events had occurred and did not give any explanation of any actions or processes put into place which could give comfort that the situation would not recur.

Each party was given the opportunity to put questions to the other parties and to summarise their respective positions.

The Sub-Committee adjourned to discuss the review details, the representations and the appropriate legislation and s.182 guidance before reaching its decision.
DECISION

On reconvening, the Legal Advisor to the Sub-Committee, Mr Scrowther, read out the decision on behalf of the Sub-Committee.

The Sub-Committee gave full credit to Mrs Pituru for admitting the faults. However, despite being given the opportunity to explain how these had arisen and what steps Mrs Pituru had or would take to ensure they would not happen again, Mrs Pituru had merely repeated that she was in the wrong. The Sub-Committee was particularly concerned at the number of separate incidences that had been reported and that more than 23,000 non-compliant cigarettes and a quantity of alcohol had been confiscated.

The Sub-Committee was mindful that revocation could be considered where criminality was identified and it was satisfied that the licensing objectives ‘the prevention of crime and disorder’, ‘public safety’ and ‘the protection of children from harm’ had been consistently breached.

Therefore, based upon the history of the premises and the need to uphold the Licensing Objectives, the Sub-Committee determined to revoke the premises licence for the trading premises known as Oltenia, 135 Broad, Street, Dagenham, RM10 9HP.

The Sub-Committee reminded all parties that they had a right to appeal against the decision to the Magistrates’ Court within 21 days.