Licensing Sub Committee  
23 June 2015

Application for a Review of the Premises Licence for Costcutter, 183 Broad Street, Dagenham, RM10 9JD

Report of: Maria Williams, Licensing Officer

This is a public report

Ward Affected:  
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<th>Accountable Head of Service:</th>
<th>Key Decision:</th>
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<td>Gavin Dennett, Head of Regulatory Services</td>
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<th>Accountable Director:</th>
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<td>Anne Bristow, Director of Adult and Community Services</td>
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Summary
An application has been received from Theo Lamptey, Chief Trading Standards Officer, London Borough of Barking & Dagenham for the Review of the premises Licence at Costcutter, 183 Broad Street, Dagenham, RM10 9JD, under the Licensing Objectives of Crime and Disorder and the Protection of Children from harm.

Recommendation
Having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral, the Sub Committee is asked to consider whether to:

(a) Do nothing with the licence;

(b) To modify the conditions of the premises licence;

(c) To exclude a licensable activity from the scope of the licence e.g. to exclude regulated entertainment after a certain hour,

(d) To remove the Designated Premises Supervisor from the licence;

(e) To suspend the licence for a period not exceeding three months;

(f) To revoke the licence.

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1. Introduction and Background

1.1 Section 51 Licensing Act 2003, allows any person or Responsible Authority to request a review of a Premises Licence where one or more of the licensing objectives are not being met.

1.2 The licensing objectives are:
   - The prevention of crime and disorder
   - Public safety
   - The prevention of public nuisance
   - The protection of children from harm.

1.3 The current Premises Licence is held by Sinnathamby Sabapathy who is also the Designated Premises Supervisor (DPS) and holds a Personal Licence with London Borough of Newham, licence number 08/00780/LAPER.

1.4 The premise is licensed for the Supply of Alcohol off the Premises. The premises licence is attached as Appendix A.

1.5 On 13 May 2015 an application for the Review of the Premises Licence was received from Theo Lamptey, Chief Trading Standards Officer, London Borough of Barking & Dagenham, under the licensing objectives prevention of crime and disorder & the protection of children from harm. A copy of the application is attached as Appendix B.

1.6 The reason for the review is that alcohol was sold to a 16 year old under a test purchase operation and the shop failed to have CCTV in operation, which is a condition on the licence, and there was no refusal book available. There also seemed to be some confusion over the ownership of the premises.

1.7 Following the statutory consultation period representation was received from PC Corrine Holland, London Borough of Barking and Dagenham Metropolitan Police attached as Appendix C and Mick McManus, Alcohol Co-ordinator, Substance Misuse Strategy Team (SMST) attached as Appendix D.

1.8 The Police support the application made by Trading Standards and also requested additional conditions be placed on the license these include the following:

   - **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.
• **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.

• **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.

• **Staff Training:** 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.

• **Continuation Training:** 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.

1.9 The SMST would like more robust age awareness conditions at these premises, and strongly supports the recommendation for further age related training for the following reasons:

1. There was a failed test purchase by an underage person.

2. The premises is less than 400 metres from a secondary school (Dagenham Park C of E)
3. The premises is less than 200 metres from a park, popular with youths of all ages (St Georges playing fields)

2. Issues, Options and Analysis of Options

2.1 The following options are available to the Licensing Sub-Committee:

a) Do nothing with the licence;

b) To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;

c) To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;

d) To suspend the licence for a period not exceeding three months;

e) To revoke the licence.

2.2 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.


2.4 The Sub Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

2.5 The Sub Committee is advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

2.6 The Licensing Authority will give its immediate notice of its decision with it reasons for doing so verbally. A written version of the decision and reasons will be provided as soon as possible after the verbal immediate notice is given.

3. Consultation

3.1 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

4 Legal Comment

4.1 This is an application for a Review. Guidance as to the application of the Act has been issued by Home Office, web links to this and the Council’s Licensing Policy can be viewed through those web links listed earlier in the Agenda. The London Borough of Barking & Dagenham as Licensing Authority under the Licensing Act 2003 and
subordinate legislation is empowered to determine applications of this nature. Notice must be given of the Licensing Authority’s decision on this matter.

Appendices to this report:

Appendix A - Copy of the premises Licence.
Appendix B - Copy of application for Review.
Appendix C - Representation from Police
Appendix D - Representation from SMST