MINUTES OF
LICENSING SUB-COMMITTEE

Tuesday, 24 March 2015
(7:00 - 7:40 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Peter Chand and Cllr Faruk Choudhury

9. Declaration of Members' Interests

There were no declarations of interest.

10. Application to vary a Premises Licence: Food & Wine Off Licence, 731 Green Lane, Dagenham

The Councils Licensing Officer, Ms Maria Williams, presented a report in respect of an application to vary the Premises Licence for Food & Wine Off Licence, 731 Green Lane, Dagenham.

The application was to extend the opening hours to sell alcohol for consumption off the premises as follows:

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<th>Current</th>
<th>Proposed</th>
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<tr>
<td>Sunday – Thursday</td>
<td>08:00hrs – 23:30hrs</td>
<td>08:00hrs – 01:00hrs</td>
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<tr>
<td>Friday - Saturday</td>
<td>08:00hrs – 23:30hrs</td>
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The application was also to delete the condition regarding the selling of beers and ciders (alcohol above an alcohol by volume (ABV) of 6.5%).

During the consultation period, one valid representation was received from an “other person” (interested party) which was detailed in the agenda before Members and a representation had been received from PC Corinne Holland of the Metropolitan Police objecting to the extension of hours.

Andrew O’Connor PC 516KG was present and was invited to address the Sub Committee with regard to representation made by the Police.

Mr O’Connor advised that following receipt of the application for variation he attended the premises which were found to be in breach of seven conditions contained within the premises licence. Due to this failure, the Police could not support the application as they considered the premises could not cope with the current conditions of the licence and therefore were objecting to the variation application. If the Sub Committee were minded to approve the variation application, the Police requested that two further conditions be included on the Premises Licence:

1. A personal licence holder is to be working in the premises at all times alcohol is available for sale after 11.30pm.
2. Two members of staff to be working in the premises at all times alcohol is available for sale after 11.30pm.

In response to questions from the Sub Committee, Mr O’Connor advised that there were no previous incidences associated with the premises.

The Chair then invited the applicant, Mr Jothyraj Thampiappa, to address the Sub Committee.

In his submission, Mr Thampiappa advised the Sub Committee that the previous owner had sold higher strength alcohol as he believed this to be on the previous licence and had assumed it carried over to the new licence.

Mr Thampiappa also stated that although the cabinets within the premises were not lockable, he used a curtain to cover the cabinet when the shop was open outside of licensable hours.

The premises was not open for 24 hours with it currently opening at 11:00. In response to a question, the Sub Committee were advised that the extension of hours was requested due to competition from neighbouring shops and the potential for passing trade as the premises was next to a bus stop.

With regard to the refusal book and lack of use, the Sub Committee were advised that it was not used very often as staff had forgotten and under age sales had been refused regularly therefore individuals no longer came to the premises to try and buy alcohol/cigarettes when under age.

The Sub Committee were further advised that the premises had CCTV installed within the premises, which was retained for one month and would be accessible to Police if they so required it.

The Chair then gave each party the opportunity to sum up before the Sub Committee retired to deliberate.

Decision

The Sub Committee had considered and had particular regard to the statutory guidance issued under Section 182 Licensing Act 2003, the Council’s licensing policy and all evidence placed before it including all the written documentation and the oral submissions at the meeting.

The Sub Committee had regard to the Licensing objectives of:

Public Safety
The prevention of Public Nuisance

The Sub Committee’s decision was to reject the application.

The Sub Committee had regard to the Applicant’s lack of knowledge of the licensing conditions and the lack of compliance with a number of those conditions for the last 18 months. The Sub Committee wished to emphasise that they noted the Applicant’s recent compliance with the licensing conditions. The Sub Committee would however want to see the compliance further demonstrated and
sustained before any extension would be considered.

There was a right of Appeal to the Magistrates Court within 21 days of receipt of the Notice.