Present: Cllr Lee Waker (Chair), Cllr Mohammed Khan and Cllr Glenda Paddle

Apologies:

5. Declaration of Members' Interests

There were no declarations of interest.

6. Personal Licence Application - Mr Tomas Zalimas

The Councils Licensing Officer, Rachel Taylor, introduced a report in respect of a personal licence application that had been made by Mr Tomas Zalimas.

The matter was before the Sub-Committee as Mr Zalimas had a conviction for an offence that was listed as a relevant offence under Schedule 4 of the Licensing Act 2003. In this case the conviction was for driving a motor vehicle with excess alcohol.

Mr Zalimas was convicted on 17 August 2017 at Central London Magistrates Court of driving a vehicle with excess alcohol on 30 July 2017 under S.5(1) (A) Road Traffic Act 1988.

The Chair invited PC Michael Sear to address the Sub Committee, setting out objections from the Police. PC Sear advised that the penalty for the conviction was severe and as a result Mr Zalimas was considered not responsible enough to hold a personal licence.

The Chair the invited Mr Zalimas to address the Sub-Committee. Mr Zalimas explained to the Sub-Committee that he regretted his actions and had no past record. He was of good character and was career focussed, hoping to be promoted within the hospitality sector once he had received his personal licence.

The Chair then invited all parties present to sum up their representation before the Sub-Committee retired to make its decision.

Decision

The Licensing Sub-Committee had regard to the S. 182 guidance and relevant legislation, and also had regard for the contents of the agenda and for all matters stated in the hearing.

The Sub-Committee resolved not to grant the application as they were not satisfied that the applicant had demonstrated the necessary degree of responsibility in order to satisfactorily hold a personal licence. The conviction involving driving a vehicle with excess alcohol was recent, and at a time when the applicant was clearly anticipating making career advances, and therefore the Sub-
Committee was satisfied that the licensing objective of preventing crime and disorder would be undermined by the granting of the application.

7. **Way 2 Save, 147 Ripple Road, Barking, IG11 7PW - Application to Vary the Premises Licence**

The Service Manager for Public Protection, Mr Theo Lamptey, presented a report to the Sub-Committee in respect of an application to vary the premises licence for Way 2 Save, 147 Ripple Road, Barking.

On 9 October 2018, an application for a variation of a premises licence was received from Mr Murat Alma. The application was to vary the hours of sale of alcohol for consumption off the premises to 07:00 to 02:00 daily with the premises open for the same hours.

The Designated Premises Supervisor (DPS) at the time of the application was Mr Murat Alma and thus was carried on 15 October 2018 to Mr Can Alma.

Mr Lamptey advised that five representations against this application had been received, they were from the three local ward Councillors, the Metropolitan Police and the Licensing Authority. The grounds of objection were the licensing objectives of the prevention of crime and disorder, and the prevention of public nuisance.

The report contained within the agenda detailed the premises operating history from June 2015 through to 7 November 2018.

The Chair invited PC Sear to set out the objections from the Police.

PC Sear addressed the Sub-Committee advising that:

- The premises was known for crime and public nuisance;
- The new DPS had no operating background history, which put the premises at risk;
- The current DPS could not find documents that should have been in place at the premises during a visit such as the staff log book and the refusals book;
- There was alcohol on the premises floor (boxes of lager) that could not be locked up;
- There was no authority paper from the new DPS to show which staff members could sell alcohol;
- No refresher training had been undertaken for staff; and
- Since the hours of the premises had been reduced earlier in the year there was no antisocial behaviour reported by the Safer Neighbour Team for the area.

PC Sear stated that the Police believed there was compliance in providing copies of records for the benefit of the Sub-Committee only and did not believe that the premises licence should be varied due to the continuous non-compliance of conditions.

In response to questions from the Sub-Committee, PC Sear advised that if the
licence were to be varied, the Police would suggested that a minimum of two door supervisors should be at the premises as when incidents had taken place in the past the door supervisor tended to be on a break.

The Chair then invited the Local Authority Representative, Mr John Smith, to address the Sub-Committee setting out his objections. Mr Smith advised that:

- If the application were to be granted it would undermine the licensing objective of the prevention of crime and disorder;
- The premises had not been compliant with the conditions on its licence; and
- There had been no incidents recorded at the premises since the hours were reduced following a review of the licence in January 2018.

The Chair advised the Sub-Committee that the Ward Councillors who had made representation had not been able to attend the meeting due to ill health. The Chair asked all those present to read and take note of the written objections that were contained within the agenda pack.

The Chair then asked Mr Graham Hopkins, representative for Way 2 Save, to address the Sub-Committee.

Mr Hopkins, speaking on behalf of Mr Murat Alma and Mr Can Alma advised that:

- Way 2 Save was a large convenience store with an off licence;
- Mr Can Alma would like to amend the application to 01:00 daily instead of 02:00 daily and would be happy for the morning hour to be changed to 08:00 instead of 07:00;
- The incidents that had taken place in the last year were after 02:00;
- Mr Murat Alma had spoken to the street drinkers who had been congregating outside of the shop and they had now moved on;
- All staff would now be trained and this would be noted in a staff training log;
- Records that were used by the DPS were at a personal residence the night PC Sear had visited;
- There were professional records kept;
- All of the management team held personal licences;
- Appropriate signage was in place throughout the premises;
- Cans of 6.5% beer were purchased by accident and had now been removed;
- Spirits behind the counter were not locked up at night, however the counter was always manned;
- Fridges containing alcohol that could not be locked had the alcohol removed from them after 23:00;
- Test purchases by Trading Standards had been passed; and
- There were 36 CCTV cameras within the premises;

In response to questions from the Sub-Committee, Mr Hopkins advised that:

- It was a mistake that the beer over 6.5% was being sold;
- There were no street drinkers outside of the premises any more, this reduced the public nuisance levels;
- No residents had objected directly to the application; and
• It was noted that the boxes of beer on the shop floor should be moved as they could not be locked away easily.

The Chair then invited all parties present to sum up their representation before the Sub-Committee retired to make its decision.

Decision

The Licensing Sub-Committee had regard to the S. 182 guidance and relevant legislation, and also had regard for the contents of the agenda and for all matters stated in the hearing.

The Sub-Committee resolved to refuse the application.

The reason for this was that the Sub-Committee were concerned about the 10 breaches which had been identified by the MPS. No satisfactory explanation was given for each of the breaches, specifically:

a. In respect of sale of beers, perries or cider over 6.5% ABV, the applicant merely stated that this was ‘a mistake’. No explanation was given as to what this mistake was, nor why it wasn’t rectified.

b. In respect of the roller shutters, it was said that the fridge was manned but it was old and not cheap to replace, and arrangements have been put in place to remove the alcohol from the fridge and place in storage after 11:00 p.m.

c. No proper explanation was given as to why relevant staff training and refusal records were kept at the home of the DPS rather than at the premises.

d. No explanation was given as to why these breaches were permitted to subsist despite having been given clear warnings by both the Sub-Committee at the previous occasions and by their licensing advisors.