

MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 15 January 2019
(7:10 - 7:49 pm)

Present: Cllr Moin Quadri (Chair), Cllr Kashif Haroon and Cllr Giasuddin Miah

8. Declaration of Members' Interests

There were no declarations of interest.

9. Licensing Act 2003 - Boozie Call Alcohol Delivery - Chequers Lane Dagenham RM9 6PR Application for new Premises Licence

The Licensing Officer presented a report to the Sub Committee regarding an application for a premises licence.

On 19 November 2018, Kelly Collins applied for a premises licence in respect of the premises known as GSR Self Storage situated at Chequers Road, Dagenham RM6 9PR

The premise was a storage unit measuring 8' cubed, situated at GSR Self Storage, Chequers Road, Dagenham behind electric gates with 24-hour monitoring and access. Alcohol would be stored at this location and despatched for delivery from it. There would be no public access to the unit.

The applicant sought to deliver alcohol between the hours of: Sunday – Thursday 12:00 - 02:00 Friday – Saturday 12:00 - 05:00. The Designated Premises Supervisor (DPS), intended to hold overall responsibility for authorising alcohol sales made at the premises, was the applicant, Kelly Collins, who held a personal licence issued by the London Borough of Redbridge.

One representation had been received in respect of this application, from the Metropolitan Police. The representation was made under the crime prevention and public nuisance licensing objectives. The Metropolitan Police had asked the applicant to agree to additional conditions and to reduce the hours during which alcohol will be delivered.

The applicant has indicated that she did not wish to restrict the hours of operation to those the Police have requested and did not agree to the conditions the Police request.

The Chair invited PC Sear to address the Sub Committee, setting out objections from the Police. PC Sear advised that:

- The Police believed that without the inclusion of the additional conditions, the application would not meet the licensing objectives of the prevention crime and disorder and the prevention of public nuisance;
- There were concerns that the application, if approved, would encourage residents to order more alcohol when holding parties, meaning the parties would go on longer causing disturbance to neighbours; and

- The proposed closing hours of 05:00 at weekends was considered too late and was not comparable to other premises in the area.

The Chair then invited Ms Collins to address the Sub Committee.

Ms Collins advised that:

- She agreed with most of the additional conditions suggested by the Police, however not conditions five (deliveries can only be collected from the premises, once an order had been placed. No extra stock is to be carried on delivery vehicles) and six (Orders for the delivery of alcohol will only be taken online or by telephone. Payment must be by Credit Card. No Debit card payments will be accepted. Cash on delivery will not be allowed).
- It would be detrimental to business if additional stock could not be carried in the vehicles and that not everyone had access to a credit card;
- Staff would be trained to ensure they did not make noise on delivery, such as turning off engines and calling customers rather than knocking on doors late at night; and
- The proposed hours of operation by the Police were not accepted.

PC Sear advised that the sale of alcohol from a vehicle and not the premises would not be in compliance with the application and therefore would be an unlawful sale. This was noted by Ms Collins.

PC Sear then advised that if Ms Collins was willing to accept proposed condition seven (Upon delivery the credit card must be viewed alongside an accepted challenge 25 identification document), the Police would be willing to remove proposed condition six. It was noted that if accepted, the wording would need to be amended to reflect that a credit card was not a necessity for payment.

The proposal was accepted and Ms Collins advised the Sub Committee that if they were minded to approve the application then she would be willing to reduce the hours of opening to 00:00 Sunday to Thursday and 03:00 Friday to Saturday.

The Chair 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 grant the application, subject to:

- (i) the operating hours of the premises be amended to:
 - Sunday to Thursday: 12:00 to 00:00
 - Friday to Saturday: 12:00 to 03:00
- (ii) Proposed conditions 1 – 5 and 7 – 21 as set out in the agenda pages 56 – 58, be included on the licence
- (iii) Condition 7 be amended to reflect that payment can be taken by debit card, credit card or cash.

10. Licensing Act 2003 - Personal Licence Application - Akim Rowe

The Licensing Officer presented a report to the Sub Committee regarding an application for a personal licence which had been objected to by the Metropolitan Police.

On the 18 December 2018 an application was submitted by Mr. Akim Rowe. The application was accompanied by his certificate of qualification, DBS certificate and his proof of right to work in the UK.

Mr Rowe's DBS certificate showed that he was convicted on the 27 July 2015 at Ipswich Crown for a number of offences for which he received a custodial sentence. Some were relevant offences under the Licensing Act 2003.

Due to the date of the conviction, and the sentences imposed they could not be considered spent under the Rehabilitation of Offenders Act until January 2023.

The Metropolitan Police had issued an objection notice to this application under the prevention of crime licensing objective.

The Chair invited PC Sear to address the Sub Committee, setting out objections from the Police. PC Sear advised that Mr Rowe had many unspent convictions and as a result Mr Rowe was not considered responsible enough to hold a personal licence.

The Chair advised that Mr Rowe was not present at the meeting and then offered PC Sear the chance to sum up.

Decision

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 convictions listed were not yet spent and the applicant had not attended the Sub Committee nor made written submissions to address members regarding those convictions, therefore the Sub Committee was satisfied that the licensing objective of preventing crime and disorder would be undermined by the granting of the application.