

MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 7 January 2020
(7:00 - 8:16 pm)

Present: Cllr Moin Quadri (Chair), Cllr Adegboyega Oluwole and Cllr Glenda Paddle

12. Declaration of Members' Interests

There were no declarations of interest.

13. Way 2 Save - 147 Ripple Road Barking - Variation of Premises Licence

The Licensing Officer Case Officer presented a report regarding an application for the variation of a premises licence held by Mr Murat Alma in respect of Way 2 Save, 147 Ripple Road, Barking.

The current premises licence authorised the premises to be open from Monday to Sunday, from 07:00 to 0:00. The Licensing activities of the sale of alcohol were permitted from the hours of 09.00 to 23.00 every day.

The application sought to vary the hours for the sale of alcohol for consumption off the premises to 07:00 to 02:00 daily with the premises open for the same hours.

This matter was brought before Sub-Committee following representations received from the Licensing Authority Responsible Authority Officer (LARAO) and from the three Gascoigne Ward Councillors which referenced the licence objectives of the Prevention of Crime, the Prevention of Nuisance and the Protection of Children from Harm. The representation from the LARAO, however was withdrawn at the start of the meeting following agreement reached amending the hours applied for under the variation and on the basis of additional conditions.

The Sub-Committee heard from the LARAO who updated Members on the agreements reached and the performance of Way to Save over the last fourteen months since the decision was taken to initially temporarily suspend the premises licence pending the subsequent reduction of the licence hours.

Members then heard from the applicant's legal representative who presented a submission as detailed in a supplementary report before the Sub-Committee responding to the representations of the Licensing Authority. In summary he acknowledged that prior to the determination of the review which had led to reduced licensing hours, a number of the licence conditions had been breached and that generally the performance and management of the premises had been chaotic. However, the subsequent change in management and staff, and the implementation of additional practices, safeguards and procedures in the way the shop was now being managed meant that the current license and conditions were now being fully adhered to.

The Legal representative stated that there had been no complaints about the shop

in the past fourteen months, including two extended TEN's over the Christmas period. There were no complaints presented before the Sub-Committee from residents, or from either the Police, Environmental Health or Public Health. This he suggested was evidence of the proper management of the shop now.

The Sub-Committee then received a representation from Councillor Ashraf, Gascoigne Ward Councillor and Deputy Leader, who stated her concerns as outlined in her submission set out in an appendix to the report. She challenged a statement made by the applicant in their written submission suggesting that the demographics of the area had changed significantly and questioned the effectiveness and validity of the steps and measures that had been put in place, suggesting that the past problems were no longer an issue due solely to the reduction in licensing hours.

She also suggested that the absence of objection from the Police was more a matter of resources rather than acquiescence to the application, and that whilst there were no written complaints from residents, their concerns had been raised with her and her two other ward councillor colleagues.

The Sub Committee noted that following the proposal presented to the applicant by the LARAO prior to the hearing, he had conceded a variation in the application limiting the sale of alcohol to start at 8am rather than 7.00am and end at 1.00am rather than 2.00am along with a number of additional licence conditions.

Each party then summed up their position and Sub-Committee retired to consider its decision.

Upon reconvening the Sub-Committee stated its concerns that permitting the sale of alcohol from 8.00am potentially posed a risk to children, given the proximity of nearby schools. It noted the applicant's concession from the application to end alcohol sales one hour earlier at 1.00am and it took the view that this was a sensible approach given the assertion that it was the controls on licensing hours now in place that was the reason for the improvement in the running of the premises.

The Sub-Committee welcomed the additional measures suggested by the LARAO and noted that the applicant had accepted all of these apart from the condition relating to the minimum number of bottles or cans which could be purchased in a single transaction. In this respect the Sub-Committee felt that a minimum of two bottles or cans as proposed by the applicant could potentially encourage more street drinkers in the locality of the shop and that the prevention of nuisance was therefore best met by imposing a minimum sale of four cans or bottles.

The decision was therefore to allow a variation to the licence as sought on the application with the following amendments and additions:

1. Alcohol will be sold from the current 9.00am until 1.00am each day, seven days a week
2. There will be a minimum purchase of four cans or bottles of lager or cider and that signage must be prominently displayed stating that bottles and cans of cider and beer may not be sold singularly, and that the minimum sale is in quantities of four.

3. There will be a minimum of three members of staff on duty after 11.00pm each day
4. After 11.00pm each day, one member of staff will be tasked to monitor activity outside of the premises
5. Staff on duty at night will include a female member of staff
6. A personal licence holder will be present on the premises at all times
7. A member of the management team will attend conflict management training and will cascade this to all staff

All parties were reminded that they have a right to appeal against this decision to the Magistrates Court within 21 days.