

## **MINUTES OF LICENSING SUB-COMMITTEE**

Thursday, 20 May 2021  
(7:05 - 8:24 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Peter Chand and Cllr Glenda Paddle

### **18. Declaration of Members' Interests**

There were no declarations of interest.

### **19. Licensing Act 2003 - Embas Stores, 9-10 The Triangle, Tanner Street, Barking, IG11 8QA**

The Council's Licensing Officer, Ms Rachel Taylor, presented a report in respect of an application for a new premises licence for Embas Stores, 9-10 The Triangle, Tanner Street, Barking, IG11 8QA. Representations had been received from local residents and a Ward Councillor under the Licensing Objectives of 'the Prevention of Crime and Disorder', 'Public Safety', 'the Prevention of Public Nuisance' and 'the Protection of Children from Harm'.

The application sought consent for the retail sale of alcohol for consumption off the premises from 07.00 each day Monday to Saturday to 03.00 on the day following, and from 08.00 to 23.00 on Sunday. It also sought consent for opening hours as per the hours for the retail sale of alcohol. The operating schedule provided with the application proposed a range of conditions, such as CCTV provision and a Challenge 25 age verification scheme.

Following initial representations from a local ward councillor and 11 local residents (including two petitions consisting of 118 signatures combined), discussions were held between the Metropolitan Police Licensing Officer and the applicant concerning the lateness of the hour of the application during the consultation process. This resulted in a reduction in the hours of the application for the sale of alcohol to 23.00, which satisfied the requirements and proposed conditions of both the Metropolitan Police and the Council's Licensing team. On 28 April 2021, a conciliation meeting was held with the local ward councillor and 23 local residents to clarify the terms of the application and the offered reduction in the hours sought. At the meeting, residents sought a further reduction in the operating hours of the premises and the Sunday opening. Further discussions with the applicant resulted in a further amendment of the application, reducing the Sunday hours for alcohol sales from 09.00 to 21.00. Following this, two local residents indicated that they wished their representations to be heard at a public hearing.

The Sub-Committee first heard from one of these objecting local residents, who attended to make oral representations on behalf of themselves, and the other residents who objected to the granting of the premises licence. In their representations, they made objections on the basis of all four of the licensing objectives. They stated that the residents had concerns in respect of anti-social behaviour, nuisance including drunken behaviour, and prostitution, noting the issues that there had been in the past in relation to these behaviours.

They were pleased to note that following the conciliation meeting on 28 April 2021, the opening hours had been reduced, but noted that the residents still had concerns over the lateness of the opening hours, particularly on a Sunday. They stated that there were already other off-licences in the area and questioned the need for another. The local resident pointed out the general nature of the area; it being a quiet residential area and described issues of people buying alcohol, congregating and generally causing a late-night nuisance in the area along with the issues of littering and urinating. They proposed that a closing time of 6pm or 7pm would be more reasonable for a Sunday.

In respect of a question from a Member in relation to whether or not the residents opposed the presence of the shop generally or solely the hours, the local resident confirmed that it was the operating hours and those for the sale of alcohol that were of principal concern, as well as the potential for people drinking alcohol in the street. The local resident also commented that they were concerned that the application, with its original hours, would have been rubber stamped had objections not been raised, causing harm to the community.

The Sub-Committee then heard from Theo Lamptey, the Council's Licensing Service Manager, who set out the position in respect of the risk of any application being 'rubber stamped' in the absence of any objections. They confirmed that in this case, the initial opening hours requested were amended by the applicant due to concerns raised by the Licensing Authority and the Metropolitan Police. He also confirmed the process for public consultation when a new premises licence was received, which included publicising the consultation via the local newspaper and via signs at the proposed premises.

Members had several questions in relation to the residents' position in respect of reasonable opening hours (noting that none of the email representations suggested a 6pm closure on Sundays), and the suggested risk of crime and disorder to the community should the licence be granted. In addition to what the local resident had set out previously, they stated that the proposed licence holder would be unable to stop people buying alcohol and then consuming it elsewhere in a way that might lead to anti-social behaviour. They noted that the Police did not attend in a timely fashion when reports were made. They also emphasised that residents' concerns did not relate to the presence of the store, but rather the extent of the opening hours generally and specifically the sale of alcohol.

The Sub-Committee then heard from Miss Tracy Bird (counsel) on behalf of the Applicant. She explained that the Applicant had sought to play an active role in the local community, which had been borne out in their application, and noted the adjustments that had been made throughout the conciliation process. Miss Bird outlined some of the proposed conditions in the application and how these sought to address concerns raised in respect of the licensing objectives, such as the maintaining of incident logs to report crimes to the Police, as well as records relating to patrons ejected from the premises and complaints logs.

Miss Bird noted that the premises were to be a convenience store, and not just an off-licence. She stated it would sell a number of other items such as groceries and essentials in order to be of assistance to the wider local community. The Applicant had also given consideration to the type of alcohol being sold, such as no beers, lagers, stouts or ciders above 6.5% ABV (alcohol by volume) being sold, except for

premium and craft beers, cider and stout. It was emphasised that the Applicant was willing to engage with the Police and Local Authority Licensing team should any issues arise, noting that they had already done so in reducing the proposed hours of the premises.

Whilst it was acknowledged that the proposed opening time of 23.00 on a Sunday was late, this was because the premises was designed to be a convenience store that would meet the needs of the local community. However, in respect of the hours that the objector had set out in the email at page 47 of the agenda, it was noted that 10pm might be an appropriate closing time for a Sunday. Counsel stated that the Applicant had worked to ensure that the concerns of the community were reflected in their application so as not to cause an unnecessary burden, wanting to remain in the community for a long time and to support local community events and initiatives.

Members clarified some of the proposed conditions with the Applicant and it was confirmed that the CCTV system would include a 16-camera system with continuous recording. Staff training would also take place on an annual basis, along with refresher training at regular intervals, and no staff member would be able to sell alcohol without completing training in the first instance. Members also clarified how the Applicant planned to encourage customers to behave in a responsible way and it was confirmed that notices in respect to noise and litter would be displayed.

Having heard the representations from the local resident, the responses of those attending on behalf of the Applicant and after asking follow-up questions of all parties, the Sub-Committee retired to consider its decision.

## **DECISION**

Having heard and considered all of the evidence, both the evidence heard orally from the local resident and on behalf of the Applicant and the written objections set out, the Sub-Committee **RESOLVED** to grant the licence.

The Sub-Committee had in mind when reaching this decision the fact that the Applicant engaged with the observations raised by the Licensing Authority and the Metropolitan Police at an early stage. The Sub-Committee had also had in mind the proposed conditions set out in the application, which Members felt addressed the concerns raised in relation to the licensing objectives and were content that the licensing objectives would be promoted accordingly.

### **The conditions are as follows:**

#### **Premises Opening and Closing Times:**

Monday to Saturday – 07:00 to 23:00.  
Sunday – 09:00 to 23:00

#### **Licensable Activities:**

**Sale of Alcohol (off premises)**

Monday to Saturday – 09:00 to 23:00.

Sunday – 09:00 to 21:00.

### **Conditions:**

#### CCTV

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31-day period, such copies shall in any event be provided within forty-eight (48) hours. Notices shall be displayed advertising that CCTV is in operation.

#### Incident Log

2. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - a. All crimes reported
  - b. All ejections of patrons
  - c. Any complaints received
  - d. Any incidents of disorder
  - e. Any faults in the CCTV system.
  - f. Any refusal of the sale of alcohol
  - g. Any visit by a relevant authority or emergency services.

#### Controls for Sale of Alcohol

3. That the shop does not buy alcohol or tobacco goods from unsolicited (cold) callers to the premises at any time and that details of any such unsolicited (cold) callers including CCTV images will be passed to the Police.
4. No beers, lagers, stouts or ciders above 6.5% ABV (alcohol by volume) except for premium and craft beers, cider and stout, shall be sold at the premises.
5. No single cans of beer, lager, stout or cider in cans of less than 500 ml (millilitres) or single bottles of beer, lager, stout or cider in bottles of less than 330 ml (millilitres) may be sold in a single transaction.
6. No spirits shall be sold in bottles of less than 10cl (centilitres).
7. All spirits must be displayed behind the counter and all other alcohol shall be displayed in clear line of sight of the counter.
8. All alcohol not on display will be stored in a lockable store.
9. The premises will actively engage with and work with the local Police Team and the Police and Council Licensing Teams.

#### General Safety

10. A Fire Risk Assessment and Emergency Plan will be prepared and regularly

reviewed. All staff will receive appropriate fire safety training and refresher training.

### Staff

11. The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.
12. All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.
13. All staff to undergo Licensing training which will be documented and provided to police / licensing authority on request.
14. This training is to be refreshed every 12 months. All new staff must undergo this training before being allowed to sell alcohol.

### Anti-Social Behaviour & Noise

15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. The shop front will be kept tidy at all times and shall be swept at closing time.
17. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

### Children

19. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.
20. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer`s photograph on it or Home Office approved proof of age card with the bearer`s photograph and the PASS logo / hologram on it will be accepted as proof of age.
21. Training for all staff on under-age sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
22. The premises will display publicity materials relating to the Challenge 25 scheme.

The stated conditions had been added to the premises licence to promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm as the Members considered it was appropriate and proportionate to do so.