

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

Thursday, 2 February 2017  
(7:00 - 7:57 pm)

**Present:** Cllr Faruk Choudhury (Chair), Cllr Kashif Haroon and Cllr Chris Hughes

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

There were no declarations of interest.

### **39. Application for a Variation to an Existing Premises Licence in respect of Way2Save, 147 Ripple Road, Barking, Essex, IG11 7PW**

The Senior Licensing Officer presented a report to the Sub Committee for the application for a variation to an existing premises licence in respect of Way2Save, 147 Ripple Road, Barking made by the current licensee, Mr Murat Alma on 14 December 2016.

The application submitted sought to extend the permitted hours for the retail sale of alcohol for consumption off the premises, to provide for 24/7 licensed operation. The application, appended to the report, offered no additional conditions under Section 16 of the application. Instead, the application noted "existing conditions seen as sufficient".

The premises were currently licensed to Murat Alma, who was also the named designated premises supervisor on the licence. The premises licence had been in Murat Alma's name since February 2016.

The licence currently enabled the supply of alcohol within the following licensed hours:

From 07.00 each day Sunday to Thursday to 01.00 on the day following; and  
From 07.00 each Friday and Saturday to 02.00 on the day following.

A copy of the licence, including opening hours and conditions, both mandatory and special, was appended to the report.

During the consultation period, two valid representations had been received in respect of the application. One from a responsible authority, being the Metropolitan Police Authority and the second from an 'other person', being a local ward councillor.

The Sub Committee were advised that although the Ward Councillor was not present at the meeting, the written objection submitted should be taken into consideration when the Sub Committee were deliberating their decision.

The written representation from the Metropolitan Police Authority opposed the grant of the variation, however suggested the addition of four new conditions on the premises licence in the event that the sub-committee were minded to grant the variation, namely:

1. At least one SIA door security staff to be employed each day between the hours of midnight and 6.00am. They are to wear high visibility clothing and be visible at the entrance to the store;
2. CCTV to cover the front and sides of the premises ensuring full visibility at street level taking into account the awnings;
3. No single cans or bottles of beer and cider to be sold at the premises; and
4. No beers, perries and ciders with an ABV of 6.5% and over will be sold at the premises.

The Senior Licensing Officer advised that since the publication of the agenda, the applicant had corresponded with the Council to advise of his response to the conditions proposed, stating:

- “ 1. Mr Alma agrees to have one (1) SIA licensed Door Supervisor present at the shop on a Friday & Saturday night from 00.00 (midnight) until 06.00. This is accepted for an initial three month period. The continuing need for Door Supervisors to be subject to review client and Police Licensing after three months.*
- 2. He accepts CCTV should cover the outside.*
- 3. Mr Alma does not accept any restriction on the number of cans or bottles he can sell.*
- 4. Mr Alma accepts that no beers, lagers or ciders above 6.5% ABV should be sold between 02.00 and 06.00 daily. He does not any restriction during current permitted licensed hours.”*

The Chair then invited PC Corinne Holland and PC Scott Mahoney, who were in attendance, to present the Metropolitan Police representation to the Sub Committee.

PC Holland advised that the police objected to the application on the grounds of risk of an increase to crime and disorder and public nuisance at the premises and in the immediate locality. In July 2016, the premises had voluntarily agreed to reduce the licensing hours back to midnight due to complaints of antisocial behaviour in the area. It transpired during the meeting that the reduction in hours was in place for approximately one month.

PC Mahoney referred to his witness statement contained within the agenda, advising that he had established a good working relationship with the premises and found the proprietors to be responsible. That said, PC Mahoney felt that if a licence were to be granted for 24 hours, crime and disorder would escalate in the area. PC Mahoney advised that the off-licence in the Gascoigne Estate called St Mary's Wines, mentioned in his witness statement had now closed.

PC Mahoney listed areas of concern particularly Millicent Preston House, a care home and Westbury Court. Both residents of both properties had expressed their concerns over anti-social behaviour in the area to PC Mahoney in the summer of 2016.

In response to questions, the Sub Committee advised that problems within the area regarding alcohol started in the early evening and continued through the night.

Mr Hopkins, representing Mr Alma, was then invited address the Sub Committee.

Mr Hopkins advised that Mr Alma was a responsible operator, had experience as a personal licence holder and a designated premises supervisor, with all recent test purchases passed. The premise currently opened for 24 hours and there had been no history of incidents.

Mr Hopkins further advised that:

- The premises was covered by CCTV, although Mr Hopkins stated that this had never been checked by the Police;
- The premises operated in accordance with Challenge 25;
- A refusals book was in place;
- All staff were trained and received refresher training; and
- There were a minimum of four staff on duty during the week and five staff at the weekend.

In addressing the Sub Committee, Mr Hopkins commented that there was no evidence or crime statistics of incidences taking place near the premises. Whilst acknowledging that there were street drinkers in Barking Town Centre, Mr Hopkins advised that if there were individuals loitering outside of the premises they would be asked to move on.

In response to questions from the Sub Committee and the Police, Mr Alma confirmed that if the Sub Committee were to grant the application, he would accept condition 4 as suggested by the Police.

The Legal Advisor to the Sub Committee, Mr Rulewski, sought clarification from Mr Hopkins and Pc Mahoney that there were no allegations that the premises was causing issues. This was confirmed.

Mr Rulewski sought further clarification as to how the client would deal with the issues raised regarding crime and disorder and antisocial behaviour. Mr Hopkins addressed the Sub Committee advising that Mr Alma would continue to promote the four licensing objectives and reaffirmed that incidents of antisocial behaviour in the area had not been linked with the premises.

The Chair then invited both parties to sum up before the Sub Committee retired to deliberate their decision.

## **DECISION**

The Sub Committee, in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence before it including all written documentation and oral submissions.

The Sub Committee resolved to grant the application, subject to the four conditions suggested by the Police, namely:

1. At least one SIA door security staff will be employed each day between the hours of midnight and 6am.
2. CCTV to cover the front and sides of the premises ensuring full visibility at street level taking into account the awnings.
3. No single cans or bottles of beer and cider to be sold at the premises
4. No beers, perries and ciders with an ABV of 6.5% and over will be sold at the premises.