LICENSING SUB COMMITTEE

8 January 2018

Title: Licensing Act 2003 – Way-2-Save, 147 Ripple Road, Barking, IG11 7PW – Summary Licence Review

Open Report

Ward Affected: Gascoigne

Key Decision: No

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Summary

An application has been made on behalf of the Chief Officer of the Police under Section 53A-D of the Licensing Act 2003 for a summary review of the premises licence issued by this Authority to Mr Murat Alma in respect of the trading premises known as the ‘Way-2-Save’ situated at 147 Ripple Road, Barking, Essex, IG11 7PW. Such applications may be made in cases where the Chief Officer of Police is satisfied that the premises are associated with serious crime and / or serious disorder.

On 15 December 2017, the Licensing Sub-Committee met to consider ‘interim steps’ in advance of the full review of the premises licence and took the decision to suspend the licence. The Sub-Committee is now asked to determine the full review of the premises licence.

Recommendation

That the Sub-Committee considers this report and appendices together with any oral submissions given at the hearing, and:

(a) Determines the summary review of the premises and the steps that are appropriate for the promotion of the licensing objectives; and

(b) Reviews, in the light of the decision reached under a) above, the interim steps taken at the earlier meeting of the Sub-Committee on 15 December 2017.
1 Introduction and Background

1.1 The Licensing Act 2003 establishes the national licensing regime for the following licensable activities:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

1.2 Under this regime, the Council, as the local licensing authority for its area, is responsible for licensing premises to provide any of the licensable activities under a ‘premises licence’. Where a premises licence includes the sale and supply of alcohol, then a Designated Premises Supervisor must be incorporated onto the licence, holding a personal licence.

1.3 When carrying out its licensing duties, a local licensing authority must have regard to:

- The Act and associated secondary regulations;
- Guidance for local licensing authorities issued by the Home Office (current version published April 2017);
- The Authority’s own Statement of Licensing Policy (current version published March 2017)

The Authority must also aim to promote the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Premises licences generally continue for the life of the business or operation concerned but they may be reviewed at any time by any one of the named responsible authorities under the Act or an ‘other person’.

1.5 Sections 53A-D of the Licensing Act 2003 also allow the police to trigger a fast-track process (known as a ‘summary’ or ‘expedited’ review) to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both) and for the licensing authority to respond by taking interim steps quickly, where it considers this to be necessary, pending a full review.

1.6 On 14 December 2017, an application for a summary review was received from the police in respect of the premises known as the Way-2-Save in Ripple Road, Barking.
1.7 On 15 December 2017, the Council’s Licensing Sub-Committee met to consider whether interim steps were appropriate. The Sub-Committee received a presentation from the police and considered representations from the current licence holder. Having considered all relevant information, the Sub-Committee decided to suspend the premises licence, pending the full review of the licence. A copy of the full decision on the interim steps is attached as Appendix D.

1.8 The Sub-Committee must now consider and determine the full review.

2 Matters for consideration

2.1 The police application for summary review of the premises licence

2.1.1 On 14 December 2017 an application was received, made on behalf of the Chief Officer of the Police under Sections 53A-D of the Licensing Act 2003, for a summary review of the premises licence issued by this Authority to Mr Murat Alma in respect of the premises known as the Way-2-Save situated at 147 Ripple Road, Barking, Essex, IG11 7PW.

2.1.2 The application is accompanied by a certificate issued by a senior officer of the force setting out that in his / her opinion the premises is associated with serious crime or serious disorder (or both).

2.1.3 The application relates to two separate incidents at the premises:

- On 26 November 2017, at approximately 02.45 hours three males entered the store, there was a minor dispute with a cashier and within a minute four members of staff came from a back area armed with weapons. They proceeded to hit the males repeatedly to the body and head. One male made it out of the venue and was then punched in the head and knocked out, whilst on the ground he was beaten with a weapon. One of the other victims was dragged into a back room and held against his will, some minutes later seen with blood pouring from his head. This incident was captured on CCTV.

- On the 1st December 2017 at approximately 0200 hours officers passed the venue and saw some males in a dispute outside of the venue. Officers intervened and the males in question were abusive and aggressive. CS was deployed and officers were assaulted. It transpired that the males were attempting to buy alcohol before they were involved in a dispute outside the shop.

- On both of these occasions the venue should have had SIA security as per their licence. The actions of the staff cause serious concern for the police and there are potential offences of grievous bodily harm and false imprisonment.

2.14 A copy of the application is attached as Appendix A to this report.
2.2 Other representations

2.2.1 Under the summary licence review process it is open to other responsible authorities and to other persons to make additional representations. These must be made in writing and received by the licensing authority within 10 working days of the public advertisement of the review, which was published on the day after the review application was received. Because of the combination of the short timescales under which the summary review process operates and the falling of several bank holidays within the period provided for the review process, this report is being written in advance of the final permitted date for representations. At the time of writing there are no other representations to consider. However, should further representation be received within the time period allowed these will be copied to all relevant parties as soon as possible and presented at the review hearing orally.

2.3 The premises licence

2.3.1 The premises operates as a convenience store. It is currently licensed to Mr Murat Alma, who is also the named designated premises supervisor on the licence.

2.3.2 The licence currently enables the supply of alcohol 24/7.

2.3.3 The licence is made subject to the relevant mandatory licence conditions set out in the Act and to further special licence conditions which deal with:

- Operation of a ‘Challenge 25’ age verification scheme
- The provision of CCTV
- Maintenance of a refusals book
- Maintenance of authorisation records
- Staff training and maintenance of records of training
- Crime and disorder reporting
- Display of polite notices
- Employment of an SIA door supervisor between midnight and 0600
- A prohibition on the sale of single cans or bottles of beer and cider
- A prohibition on beers, ciders and perries with an ABV over 6.5%

2.3.4 A full copy of the premises licence is provided as Appendix B including the full detail of each of the special conditions listed.

2.4 The premises operating history

2.4.1 The premises were first licensed to Mr Alma in February 2016. Initially the licence permitted the sale and supply of alcohol between the hours of 07.00 each day Sunday to Thursday to 01.00 on the day following and from 07.00 on Friday and Saturday to 02.00 on the day following.
2.4.2 In December 2016, Mr Alma applied to extend the licensed operating hours to enable 24/7 opening and alcohol sales. The application was opposed by the police and a local ward councillor.

2.4.3 The Licensing Sub-Committee met on 2 February 2017 to consider the application and the representations made. Having considered all relevant information, the application was granted subject to the special conditions concerning SIA licensed door supervisors; the extension of the CCTV to the external areas; the prohibition on sales of single cans and bottles and on super strength beers and ciders.

2.4.4 On 2 June 2017, following information received that a GBH had taken place close by to the premises involving a group of persons who had previously purchased alcohol at the premises, an officer from the Council’s Licensing Team visited the premises and met with staff present. The visit and discussions indicated that:

- Single bottles of alcohol were on sale at the premises contrary to licence conditions
- Staff were not fully aware of the Challenge 25 age verification scheme
- Staff records had not been updated since September 2016
- The refusals book had not been updated since August 2016
- A record of staff authorised to sell alcohol could not be produced

2.4.5 As a result of the visit a warning letter was sent to Mr Alma. A copy of the letter is provided at Appendix C.

3. The Options open to the Sub-Committee

3.1 Having had regard to all relevant matters and taken all relevant information into account the Sub-Committee may decide to

- Modify the conditions of the premises licence
- Exclude of the sale of alcohol by retail from the scope of the licence
- Remove the designated premises supervisor from the licence;
- Suspend the licence for a period not exceeding three months; and
- Revoke the licence.

4. Review of the interim steps

4.1 The Authority’s determination will not have effect until the end of the 21-day period given for appealing the decision to the Magistrates Court, or until the disposal of any appeal that is lodged.

4.2 To ensure that there are appropriate and proportionate safeguards in place at all times, the Authority is required to review the interim steps that it has taken that are in place on the day of the hearing and consider whether it would be appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.
5. **Consultation**

5.1 In accordance with the provisions of the Act, this application has been advertised by way of a public notice outside of the premises for seven continuous days starting the day after the receipt of the application.

6. **Legal Comment**

6.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

6.2 Notice must be given of the Licensing Authority’s decision on this matter.

7. **Appendices to this Report:**

   - **Appendix A** – Copy of the application (A1 and Certificate A2)
   - **Appendix B** – Copy of the current premises licence
   - **Appendix C** – A copy of the warning letter sent to the licensee
   - **Appendix D** – A copy of the Licensing Sub-Committee’s decision of 15 December 2017 on the interim steps.