

MINUTES OF LICENSING AND REGULATORY BOARD

Tuesday, 2 December 2014
(6:00 - 8:15 pm)

Board Members Present: Cllr Josephine Channer (Chair), Cllr Adegboyega Oluwole (Deputy Chair), Cllr Syed Ahammad, Cllr Faruk Choudhury, Cllr Kashif Haroon, Cllr Hardial Singh Rai and Cllr Lee Waker

Apologies: Cllr Elizabeth Kangethe and Cllr Eileen Keller

22. Declaration of Members' Interests

There were no declarations of interest.

23. Minutes (1 October 2014 and 21 October 2014)

The minutes of the meetings held on 1 October 2014 and 21 October 2014 were confirmed as correct.

24. Application to Vary a Premises Licence: Aria Bar & Restaurant, 31 Longbridge Road, Barking, Essex, IG11 8RT

The Councils Principal Licensing Officer, Mr Paul Adams, presented a report in respect of an application to vary the premises licence for Aria Bar & Restaurant, 31 Longbridge Road, Barking, Essex, IG11 8RT.

The application was to remove the condition at Annex 2 of the licence which required alcohol to be sold only with table meals; and to extend the opening hours for Provision of Regulated Entertainment (Recorded and Live Music), Provision of Late Night Refreshment and Sale by Retail of Alcohol as detailed below:

	Opening Hours	
	Current	Proposed
Monday – Wednesday	10:00hrs – 00:00hrs	10:00hrs – 00:00hrs
Thursday – Saturday	10:00hrs – 00:00hrs	10:00hrs – 03:00hrs
Sunday	10:00hrs – 23:30hrs	10:00hrs – 00:00hrs

Mr Adams advised the Board that there were additional matters in the operating schedule which would become conditions on the licence if granted, these were detailed in the report before the Board.

Mr Adams informed the Board that one representation had been received from an “other person”, a local resident, which concerned noise pollution and was related to the prevention of crime and disorder, the protection of public safety, the prevention of public nuisance and the prevention of children from harm.

The “other person” had been invited to attend, however was not present due to work commitments. The Chair advised that the written representation would be taken into account during the Board deliberations.

It was noted that there were no representations from Responsible Authorities.

In response to questions from Members, Mr Adams advised the Board that the Licensing Team were not aware of any complaints received in relation to noise from the premises and that other licensed premises in the vicinity of the Aria Bar & Restaurant were not open beyond 01:00.

The applicant, Mr Dashamir Topalli, was present and addressed the Board in support of the application.

The Board was advised by Mr Topalli that he had 16 years of experience and had been at the premises for approximately six months. Mr Topalli was keen to work with the Council and the local community and he had instructed that plasterboard and insulation to be put into the premises when he took over and advised the Board that CCTV had also been installed. Mr Topalli further advised that door security would be provided if requested.

The Board noted that Mr Topalli had held three events at the end of November with live music and there had been no complaints.

In response to questions from the Board, Mr Topalli advised that he was mindful that customers may drink more if the premises was open later and would abide to the Licensing Act 2003 in not serving those who were considered drunk.

The Board retired to make its decision.

Decision

In arriving at its decision, the Board considered the representations from Ms Cheung and the responses given by the applicant. In particular, they considered the steps that Mr Topalli had taken and would be taking to reduce the impact of noise from the premises, including insulation in the premises. They also considered the conditions which were set out in the documentation which Mr Topalli had agreed to implement and abide by.

The Committee agreed to grant the variation to the premises licence as applied for, with the following conditions to be attached to that licence.

1. Signage to be displayed at the premises in a suitable location to remind customers not to cause nuisance to local residents
2. A CCTV system shall be installed, kept and maintained at all times during the currency of the licence, The CCTV system serving the premises shall:-
 - (a) Be maintained, fully operational and in good working order at all times (if the system breaks down then police should be informed immediately and repaired within two working days)
 - (b) Make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol
 - (c) The CCTV recordings shall show an accurate date and time that the

recordings were made and all recordings shall be retained for a period of not less than 31 days.

- (d) The original, or a copy of the CCTV recording, will be available on request to the Police and Local Authority within 48 hours.
- (e) Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.

3. No alcohol sales to be made for take away and delivery sales.

4. No seating or tables must be provided in the smoking area

5. Door supervisors must be provided upon a reasonable request from the police or Licensing Authority.

The Board reminded all parties that they had a right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue.

25. Application to review the Premises Licence for Londis, 77 Padnall Road, Chadwell Heath, RM10 9HX

The Council's Principal Licensing Officer, Mr Paul Adams, presented a report in respect of an application to review the premises licence for Londis, 77 Padnall Road, Chadwell Heath, RM10 9HX.

The Board were advised that on 15 October 2014, an application to review the Premises Licence was received from Corinne Holland PC119KG on behalf of the Chief Officer for Police for the London Borough of Barking and Dagenham, under the licensing objective prevention of crime and disorder.

The Board were advised that the Premises Licence Holder and Designated Premises Supervisor (DPS) at the time of the review was Nanthakumar Balasingham, however an application to change the DPS was made on 21 October 2014 in the name of Rajadurai Kanuakaran who held a Personal Licence issued by the London Borough of Redbridge. Mr Adams confirmed to the Board that the application to change the DPS had been approved and therefore Mr Balasingham was no longer the DPS for the premises.

The authorised licensable activities, the times for carrying out licensable activities and a copy of the premises licence were contained within the report. The Board noted that only mandatory conditions were attached to the licence.

Mr Adams informed the Board that the premises had been associated with anti social behaviour and previously the Police and Trading Standards had made agreements with Mr Balasingham, although the premises had not been subject to a review. In response to a question, the Board were advised that there had been no history of issues with the Licensing Authority.

Corinne Holland PC119KG presented the application to review the premises licence to the Board. Ms Holland advised the Board that the Police had brought the application for review on the basis of the prevention of crime and disorder,

following an incident which had occurred in 13th September 2014, where a young male was shot at with an air pistol outside the premises. The person allegedly responsible for shooting the air pistol then entered the premises of 'Londis'. Shortly thereafter the alleged victim's father entered the premises and assaulted the 'shooter'. The Police alleged then that Mr Balasingham, the DPS at the time, not only assisted the offender in allowing him to clean up his injuries in the shop, but also 'concealed' the offender in the back room of his premises when the Police arrived. Furthermore, the Police alleged that the CCTV at the premises which they were hoping might assist with their inquiries was not working at the time. The Police also referred to two previous incidents on 5 April 2014 and 18 June 2014 where Mr Balasingham had not been co-operative in providing CCTV footage from the premises to assist with various Police inquiries.

Since the incident on 13 September 2014 took place, a new CCTV system had been installed in the premises and as a result of the CCTV being in place and the DPS being removed, Ms Holland advised the Board that the Police were seeking a smaller suspension period, however they still suggested the list of conditions contained within the report to be attached to the licence. In response questions, Ms Holland advised that she was not aware if the suspect had consumed alcohol at the premises.

Mr Balasingham and his partner were invited to address the Board and they advised that a fight had occurred on the premises, which resulted in an injury on the suspect which caused him to bleed. The suspect was cleaned up in the shop by Mr Balasingham, who was the only person serving at the time. The Board were advised that Mr Balasingham did not notice the suspect enter the stock room as he was busy serving customers. The Board were concerned that the version of events given by Mr Balasingham differed to that as set out by the Police in their review application.

In response to questions, the Board were advised that Mr Balasingham was not friends with the suspect, however the suspect was a customer who came to the premises every day. Mr Balasingham advised that he did not allow customers to drink on the premises.

The Board retired to consider its decision.

Decision

In arriving at its decision, the Board considered the representations made by the Police, and also considered steps taken at the premises since the incident occurred on 13 September 2014.

The Board agreed to the review application in part, in that they agreed to impose the following conditions on the premises licence –

1. The Premises shall operate in accordance with the 'Challenge 25' scheme. The scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for ID. Notices to this effect should be displayed in a clear and prominent position at the premises. The only proof of age accepted in respect of the sale of alcohol shall be photo driving licence, passport, and other approved photographic ID bearing the PASS hologram.

2. A CCTV system to be installed at the premises which shall:-
 - a. Be maintained, fully operational and in good working order at all times
 - b. Cover the entrance to the premises, from both outside and inside the premises
 - c. Make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of alcohol.
 - d. The CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days.
 - e. The original, or a copy of the CCTV recording, will be available on request to the Police and Local Authority within 48 hours.
 - f. Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software.
3. A refusal book shall be kept at the premises, in which must be recorded the date, time and circumstance under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the licensing authority. Entries in this book must be made as soon as practicably after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.
4. All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. This training should be recorded in a staff training log and be made available on demand to any police officer, police community support officer or authorised officer of the Licensing Authority.
5. All staff must receive training on the prevention of underage sales at least every six months. Such training shall be recorded in a staff training log showing what training has been given to whom by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any police officer, police community support officer or authorised officer of the licensing authority.
6. All alcoholic goods to be bought from reputable wholesalers.
7. No alcoholic goods to be bought from door to door sellers.
8. The Premises Licence Holder, or Designated premises Supervisor shall ensure that all receipts for alcoholic goods bought include the following details:-
 - a. Seller's name and address
 - b. Seller's company details, if applicable
 - c. Seller's VAT details, if applicable
9. Copies of the documents referred to in condition 8 above shall be kept in an ordered manner and made available within seven days upon request.

The Board did not agree to suspend the premises licence for any period at all, and given that a successful application had already been made to transfer the Designated Premises Supervisor, the Committee did not grant this part of the

review either.

The Board reminded all parties that they had the right to appeal against this decision, although parties should be encouraged to maintain a constructive dialogue.

26. Appeals

The Licensing Officer advised the Board of two items:

1. Further to Minute 20, 21 October 2014, Ship and Shovel Public House was listed for an Appeal on Tuesday 24 March 2014.
2. The Appeal for Fountane Restaurant was listed for 17 November 2014. The Appeal was in regard to the decision to suspend the licence for three months; the Board were advised that the appellant had accepted all the conditions imposed on his licence by the Board at the hearing on 17 June 2014. The Appeal was before three lay justices who found it proportionate that the Premises Licence be suspended for 28 days, not three months as agreed by the Board. Mr Adams confirmed to the Board that the suspension would take effect from Tuesday 9 December 2014 until Tuesday 6 January 2015.