

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 12 February 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor David Hubber
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Pinkesh patel, applicant
Michael Fish, applicant's representative
Hiral Patel, applicant's witness

OFFICER SUPPORT: Debra Allday, legal officer
Joanne Devlin, legal officer (observing)
Roy Fielding, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - KAIVAL NEWS, 100 LORDSHIP LANE, LONDON SE22 8HF

The licensing officer presented his report. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and the applicant's representative.

The sub-committee went into closed session at 10.15am.

The sub-committee resumed at 10.35am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Pinkesh Kantibhai Patel for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kaival News, 100 Lordship Lane, London SE22 8HF be granted as follows:

Licensable Activity	Monday to Saturday	Sunday
Sale and supply of alcohol (for consumption off the premises)	07.00 to 23.30	07.00 to 22.30
Opening hours	07.00 to 23.30	07.00 to 22.30

Conditions

The following additional conditions shall apply:

1. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark proof of age (SPA) card.
2. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. A register of refused sales of alcohol and if applicable, cigarette sales which is

clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

Reasons

This was an application by Pinkesh Kantibhai Patel for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kaival News, 100 Lordship Lane, London SE22 8HF.

The licensing sub-committee noted that the Southwark Council trading standards team had reached a conciliation agreement with the applicant subject to conditions 1 to 4 above being implemented.

The licensing sub-committee heard evidence from the applicant and his representative, who informed the sub-committee that the applicant had a personal licence and had been running the premises for approximately five months and wished to add an off licence element to the business. The applicant intended to run the business as a family business and that whilst no full time staff would be employed, he would be assisted by his wife and father on a part time basis. Both would be trained and it was noted that his wife would shortly be taking a personal licence course. It was also noted that the applicant had four businesses and one franchise in India, being run by his brother.

The licensing sub-committee noted the objection from the local resident who was not in attendance to expand on their concerns. It was highlighted to the sub-committee that the objection related to the number of off licences in the area. However, the premises are not in a saturation zone and the council's licensing policy contains other control measures, so, if the council were concerned as to the number of off licences in the area, a saturation zone could be extended to the Dulwich area. Furthermore, it was noted that no objections were raised by the police.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 10.40am.

CHAIR:

DATED: