



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 16 July 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Althea Smith
Councillor Ian Wingfield

OTHER MEMBERS PRESENT: Theo Watkins, representative from Sainsbury's
Nicola Moss, representative from Sainsbury's
Sabrina Cader, representative from Sainsbury's
P.C. Graham White, Metropolitan Police Service
Mayurkumar Dhavde, representative from Central News
Triveni Dhavade, representative from Central News
Robert Jordan, representative from Central News
Steva Radu, representative from Steva's Off Licence
Miroslav Radu, representative from Steva's Off Licence
Joseph Ejiogu, representative from Steva's Off Licence

OFFICER SUPPORT: Joanne Devlin, legal officer
Cynthia Barrientos, legal officer (observing)
Kristie Ashenden, licensing officer
Wesley McArthur, licensing officer
Jayne Tear, licensing officer
Bill Masini, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The 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: SAINSBURY'S, 157 - 168 BLACKFRIARS RD, LONDON SE1 8EZ

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The police representative addressed the sub-committee. Members had questions for the police representative.

The sub-committee went into closed session at 10.45am.

The sub-committee resumed at 11.23am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Sainsbury's Supermarkets Limited for a new premises licence in respect of the premises known as Sainsbury's, 157-168 Blackfriars Road London, SE1 8EZ be granted as follows:

Licensable Activity	Monday to Sunday
Hours premises are open to the public	00.00 to 00.00
Supply of alcohol off premises	07.00 to 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) All mandatory conditions set out in the Licensing Act 2003 relating to:
 - (i) Authorisation of the retail sale of alcohol.

- b) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:
- (i) That sales of spirits shall be in vessels sized over 30cl.
 - (ii) That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises.
 - (iii) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.
 - (iv) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
 - (v) That there will be no alcohol displayed within two metres of the entrance door.

Reasons

The licensing sub-committee considered the application by Sainsbury's for a premises licence in respect of the premises known as Sainsbury's, 157-168 Blackfriars Road London, SE1 8EZ.

The licensing officer highlighted the fact that the premises is within a saturation zone and the need for the applicant to satisfy the licensing sub-committee that granting this licence will not have a negative cumulative impact on one or more of the licensing objectives.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that prior to submitting the application, they liaised with the police and drafted their operating schedule in order to address any issues raised. Following submission of the application, the police raised objections and proposed three conditions to the licence in the event that such was granted. A further objection was also received from a ward councillor. However, this was withdrawn after conciliation.

In addressing how the applicant believes that the application would not have a negative cumulative impact in the area they confirmed that Sainsbury's have over 450 convenience stores nationally, a number of which are in saturation zones and further stated that the sale of alcohol plays a small part within their convenience stores. Furthermore Sainsbury's stated that there had been no issues with any of their other stores in Southwark.

The applicant stated that they pride themselves in being a responsible retailer and have for four years, operated the Challenge 25 policy and will continue to do so within this store. They further advised that all cashiers are required to achieve a 100% pass rate in regards to Challenge 25 training, which is refreshed on a six monthly basis.

In seeking to address any impact on crime and disorder in the area, as well as the installation of CCTV, Sainsbury's confirmed that no alcohol will be on display within two

metres of the premises entrance/exit.

With reference to the operating schedule and additional conditions agreed as proposed by the police and ward councillor, Sainsbury's submitted and satisfied the licensing sub-committee that in granting the licence that there would not be a negative cumulative impact upon the saturation zone.

The licensing sub-committee heard from the police who submitted crime and disorder statistics showing that in a period of six months there had been 31 incidents of shoplifting within Sainsbury's stores in Southwark. Whilst stating that several of these were alcohol related and therefore have an impact on crime and disorder in the area the police also stated that these figures were not considered as high. The applicant confirmed that they would always be willing to work with the police in order to reduce and combat crime and disorder within their stores.

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

The applicant may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the licensing authority's area (or any part of it) is situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk 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

6. LICENSING ACT 2003: CENTRAL NEWS, 68 EAST STREET, LONDON, SE17 2DQ

The licensing officer circulated a letter from the licensing team, which advised that the premises was found to be in full compliance of the conditions on its licence during an inspection on 6 July 2013.

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

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The representative of Central News addressed the sub-committee. Members had questions for the representative from Central News.

The sub-committee went into closed session at 12.15pm.

The sub-committee resumed at 1.04pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 to Mayurkumar Dhavde and Triveni Dhavade in respect of the premises known as Central News, 68 East Street, London SE17 2DQ and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

a) Suspend the licence for a period of 14 days

and

b) Modify the conditions of the licence as follows:

- (vi) That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed, sold or offered for sale from the premises.
- (vii) That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. The prompt should require the operator to confirm that the purchaser is over 18 before the next item can be scanned or the transaction completed.

Reasons

This was a hearing of an application by the Southwark Council trading standards team for a review of the premises known as Central News, 68 East Street, London SE17 2DQ. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council trading standards officer, the applicant for the review, who advised of three recent test purchases carried out at the premises where alcohol and cigarettes were sold to a 19 year old without challenging her age and/or asking for any identification, in breach of the premises licence conditions. The trading standards officer confirmed that out of the 63 test purchases that were carried out at the time using the same 19 year old purchaser, 32 premises refused the sales. Out of the further 32 test purchases carried out, 22 premises refused sales. The trading standards officer pointed out that despite seeking to engage in correspondence with the premises licence holders and following the third test purchase, they continued to be in breach of their licence conditions.

The premises licence was granted in 2011 whereby the licensees agreed to all license conditions imposed including to implement and maintain duties under Challenge 25 policy, including appropriate training for all staff.

The licensing sub-committee heard evidence from the representatives of Central News who stated that since the test purchases the licensees have installed the EPOS system on one of their two tills and that staff have now undergone training in respect of Challenge 25 and the licensing objectives. The licensees' representative highlighted that this is an indication of the licensees' willingness to comply with the licence conditions and confirmed that from now on ongoing training of staff would continue every four months.

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 its decision was appropriate and proportionate in order to address the licensing objectives.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

7. LICENSING ACT 2003: KIOSK 3 (STEVA'S OFF LICENCE) SHOPPING CENTRE, ELEPHANT & CASTLE, LONDON SE1 6TE

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

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The representatives of Steva's Off Licence addressed the sub-committee. Members had questions for the representatives of Steva's Off Licence.

The sub-committee went into closed session at 2.07pm.

The sub-committee resumed at 2.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 in respect of the premises known as Kiosk 3 (Steva's Off Licence) Shopping Centre, Elephant and Castle, London SE1 6TE and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 28 days

and

b) Modify the conditions of the licence by:

- i. That condition 336 be amended whereby currently after 23.00 a personal licence holder has to be on the premise at all times that alcohol is sold. The condition shall now read as follows: A personal licence holder shall be on the premises at all times that alcohol is sold.
- ii. That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed, sold or offered for sale from the premises.
- iii. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. The prompt should require the operator to confirm that the purchaser is over 18 before the next item can be scanned or the transaction completed.

Reasons

This was a hearing of an application by the Southwark Council trading standards team for a review of the premises known as Kiosk 3 (Steva's Off Licence) Shopping Centre, Elephant and Castle, London SE1 6TE. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Southwark Council trading standards officer, the applicant for the review, who advised of three recent test purchases carried out at the premises where alcohol and cigarettes were sold to a 19 year old without challenging her age and/or asking for any identification, in breach of the premises licence conditions. The trading standards officer confirmed that out of the 63 test purchases that were carried out at the time using the same 19 year old purchaser, 32 premises refused the sales. Out of the further 32 test purchases carried out, 22 premises refused sales. The trading standards officer pointed out that despite seeking to engage in correspondence with the premises licence holders and following the third test purchase, they continued to be in breach of their licence conditions.

The premises licence was granted in 2011 whereby the licensees agreed to all license conditions imposed including to implement and maintain duties under Challenge 25 policy, including appropriate training for all staff.

Following the test purchase, the trading standards officer asked for sight of the refusals book and training records, however, he was advised that these were not available and the licence holders have failed to provide any training records to date. Furthermore, trading standards noticed that there was no EPOS system in place and upon enquiry to the staff member working behind the counter, Mr Nanji, he was informed that the licence holder was out of the country and did not know when he would be returning.

The licensing sub-committee heard evidence from the representatives of Kiosk 3 (Steva's Off Licence) who advised that the licence holder was out of the country due to family matters from December 2012 until June 2013 and that during this period he had made an agreement with a Mr Khan to manage the premises. He stated that he had informed Mr

Khan not to sell alcohol from the premises. He further stated that during the period he was away he was not aware of the test purchases.

However, he confirmed that he was not contesting or denying that the breaches of licence conditions had occurred. He stated that he had been operating the premises for 16 years, with a licence to sell alcohol since 2011 and that this was the first time his licence had been reviewed.

The licence holder acknowledged that he had done wrong and would ensure compliance with all of the licence conditions and will enforce Challenge 25 policy, as highlighted in annex 2 of the premises licence in the future.

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 its decision was appropriate and proportionate in order to address the licensing objectives.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 2.45pm.

CHAIR:

DATED: