



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 10 October 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Adele Morris

OTHERS PRESENT: Peter Thomson, representative of Hardy's Wines
K.S. Malik, representative of Hardy's Wines
Zulfiqar Ahmd, current owner of Premier Food and Wines (observing)
Azeez Oyegoke, representative of Zulfiqar Ahmd (observing)

OFFICER SUPPORT: Joanne Devlin, legal officer
Jayne Tear, licensing officer
Bill Masini, trading standards officer
Ricahrd Kalu, licensing officer (observing)
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 - HARDY'S WINES, 223 WALWORTH ROAD, LONDON SE17 1RL

The licensing officer presented their report. And circulated additional papers relating to the training records of the premises. 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 licensing sub-committee heard from the representatives of Hardy's Wines. Members had questions for the representatives of Hardy's Wines.

The sub-committee went into closed session at 11.26am.

The sub-committee resumed at 12.45pm and the chair read out the decision of the sub-committee.

RESOLVED

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 Khalid Sardar Malik and Mohammed Ajaz Chaudry in respect of the premises known as Hardy's Wines, 223 Walworth Road, London SE17 1RL and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Modify the conditions of the licence as follows:

- i) That 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.
- ii) That 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.
- iii) That 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
- iv) That 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.

- v) That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 7.5% will be displayed sold or offered for sale from the premises.

Reasons

This was a hearing of an application by the council's trading standards team for a review of the premises known as Hardy's Wines, 223 Walworth Road, London SE17 1RL

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the trading standards officer, the applicant for the review in relation to the two test purchases, one on 11 July 2013 to a 15 year old boy and the other on 16 August 2013 to a 17 year old girl. Neither subjects were challenged as to their age and after the first test purchase carried out on 11 July 2013, Mr Malik was interviewed by trading standards and was given extensive advice how to prevent future underage sales. Included in that advice was an explanation of the Challenge 25 policy. During the interview it was apparent that Mr Malik did not fully understand the Challenge 25 policy. It was also confirmed that only Mr Malik and his son work on the premises and it was noted that there were no representations from the police.

The licensing sub-committee heard evidence from the representatives of Hardy's Wines who stated that Mr Malik has taken the review very seriously and acknowledged that while he had not fully understood the Challenge 25 policy he and his son had since taken training and he produced a certificate dated 25 September 2013 showing that training in underage sales and relevant related matters had been completed.

When addressing the suggested conditions in relation to the electronic point of sales (EPOS) system Mr Thomson addressed the expense of implementing this system and confirmed that only Mr Malik and his son worked in the premises and were now fully aware of their obligations in respect of underage sales. When addressing the sub-committee Mr Malik highlighted that he had had his licence since 1996 and this was the first review to be brought before the sub-committee. He also showed age restriction posters and a refusals book and stated that these were now displayed within the premises and this was confirmed by the licensing officer, following her recent visit to the premises. Evidence was also heard from a witness, Mr Tomlin, who stated that he had lived in the area for 37 years and was not aware of any issues in respect of licensing issues being directly related to Mr Malik's premises.

In summing up Mr Malik emphasised that following his training and evidence of posters and a refusals book he is trying to ensure compliance with his licence.

The sub-committee considered the evidence put forward by the trading standards officer and Mr Malik and his representative and decided to impose modifications to the licence as set out above, on the basis that such conditions will ensure that the premises is compliant with the licensing objectives, specifically protection of children from harm and prevention of crime and disorder.

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.

6. LICENSING ACT 2003 - PREMIER FOOD & WINE, 246 CAMBERWELL ROAD, LONDON SE5 0DP

At the request of the sub-committee, the new owner of the premises and their representative addressed the sub-committee. Members asked questions to establish if the new owner of the premises was also the premises licence holder for the premises.

It was established that the new owner of the premises was not the premises licence holder for the premises as the previous owner of the business had not transferred the licence.

The meeting adjourned at 1.20pm to consider where to proceed in the absence of the premises licence holder. The meeting reconvened at 1.35pm and the chair advised that the meeting would proceed in the absence of the premises licence holder as their had been no request by the premises licence holder to postpone the meeting to a later date. The chair advised that the new owner of the premises and their representative would only be able to observe the meeting as the hearing related to the premises licence holder.

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

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

The sub-committee went into closed session at 1.55pm.

The sub-committee resumed at 2.50pm and the chair read out the decision of the sub-committee.

RESOLVED

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 Mr Abdul Munir in respect of the premises known as Premier Food & Wine 246 Camberwell Road, London, SE5 0DP and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

Reasons

This was a hearing of an application by the council's trading standards team for a review of the premises known as Premier Food & Wine 246 Camberwell Road, London, SE5 0DP.

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee decided to proceed to hold the hearing in the absence of the premises licence holder, Mr Munir. In doing so consideration was given to regulation 20 sub-sections 2 and 3 of the Licensing Act 2003 (hearings) Regulations 2005. Despite numerous efforts by the authority to contact Mr Munir and the designated premises supervisor, Mr Ehsan) he failed to provide any representations or attend the review hearing and it was therefore considered in the public interest to proceed.

Mr Azeez Oyegoke who confirmed that he was the estate agent for the premises attended the meeting as a representative of Mr Zulfiqar Ahmd who confirmed that he was the new business owner of Premier Food and Wines. Whilst Mr Oyegoke stated that he understood that Mr Munir had been in Pakistan since January 2013 and was due to return in November 2013, he confirmed that he was not here in any capacity as a representative of Mr Munir.

In fact, Mr Oyegoke informed the committee that Mr Munir transferred both the lease for the premises and the business to Mr Ahmd on 11 January 2013. This information in addition to the seriousness of the representations from trading standards was taken into account in considering whether to proceed with the hearing in the absence of Mr Munir.

The licensing sub-committee heard evidence from the trading standards officer, the applicant for the review who highlighted that there are ongoing serious concerns with crime and disorder in the Camberwell Road area. He informed the sub-committee of a test purchase that was carried out on 5 July 2013, whereby the subject, a 15 year old boy, was not challenged when purchasing alcohol at the premises. He also confirmed that the seller did not hold a personal licence and there was no personal licence holder on the premises at the time of sale. Upon enquiry, the seller confirmed that he did not know Mr Munir and had never heard of him.

Furthermore, at the time of visit, upon enquiry, the seller did not know anything about a refusals book. The trading standards officer proceeded to advise him that alcohol could not be sold unless a personal licence holder was present.

He also advised of further breaches of the licence including:

On 5 February 2010

No personal licence holder on the premises whilst alcohol was being sold.

On 31 October 2010

No personal licence holder on the premises whilst alcohol was being sold.

On 8 November 2011

No personal licence holder on the premises whilst alcohol was being sold
Refusals book not maintained
CCTV unavailable for inspection.

On 19 July 2013

No personal licence holder on the premises whilst alcohol was being sold
CCTV was not available
Old refusal book shown.

On 20 July 2013

No personal licence holder on the premises whilst alcohol was being sold.

On 5 August 2013

No personal licence holder on the premises whilst alcohol was being sold.

On 9 August 2013

No personal licence holder on the premises whilst alcohol was being sold.

17 August 2013

No personal licence holder on the premises whilst alcohol was being sold.

9 October 2013

No personal licence holder on the premises whilst alcohol was being sold.

Despite several efforts, trading standards had not been able to speak to the premises licence holder or the designated premises supervisor

The committee considered that in view of the numerous breaches of the licence that trading standards submitted, the current operation of the premises demonstrates a wilful disregard of the licence conditions and licensing objectives.

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.

The meeting closed at 2.55pm.

CHAIR:

DATED: