

## **LICENSING (URGENCY) SUB-COMMITTEE**

MINUTES of the Licensing (Urgency) Sub-Committee held on Tuesday 27 May 2014  
at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1  
2QH

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**PRESENT:** Councillor Lorraine Lauder MBE (In the chair)  
Councillor Eliza Mann  
Councillor Adele Morris

**OTHERS  
PRESENT:** Seyham Sagir, representative from Bermondsey Supermarket  
Insaf Sagir, representative from Bermondsey Supermarket  
Alan Aylott, legal representative for Bermondsey Supermarket  
Julia Stafford, applicant, 7a Stoney Street  
Richard Ant, legal representative for 7a Stoney Street  
M. Challenger, local resident  
Jim Wintour, local resident  
Mr V.U.N, applicant  
P.C. Graham White, Metropolitan Police Service

**OFFICER  
SUPPORT:** Joanne Devlin, legal officer  
Kristie Ashenden, licensing officer  
Wesley McArthur, licensing officer  
Jayne Tear, licensing officer  
Raye Moore, trading standards officer  
Bill Masini, trading standards officer  
David Swaby, licensing officer, representing the council as a  
responsible authority  
Andrew Weir, constitutional officer

### **1. APOLOGIES**

There were none.

### **2. CONFIRMATION OF VOTING MEMBERS**

The members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder MBE was nominated by Councillor Eliza Mann to chair

the meeting. This was seconded by Councillor Adele Morris.

**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 - BERMONDSEY SUPERMARKET, 191 SOUTHWARK PARK ROAD, LONDON SE16 3TX**

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

The trading standards officer, the applicant for the review, addressed the licensing (urgency) sub-committee. Members had questions for the trading standards officer.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The representative from Bermondsey Supermarket addressed the sub-committee. The representative from Bermondsey Supermarket requested to circulate copies of some proposed conditions to add to the licence in order to satisfy the licensing objectives. The sub-committee agreed to this request. Members had questions for the representatives from Bermondsey Supermarket.

All parties were given five minutes for summing up.

The licensing (urgency) sub-committee went into closed session at 11.56am.

The licensing (urgency) sub-committee resumed at 2.00pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the council's licensing (urgency) sub-committee, having had regard to the application by trading standards for a review of the premises granted under the Licensing Act 2003 to Insaf Sagir in respect of the premises known as Bermondsey Supermarket, 191 Southwark park Road, London SE16 3TX and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to

Modify the conditions of the licence as proposed by the licence holder's representative as follows:

1. That the premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect that needs of local residents and

leave the area quietly.

2. That the premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. That staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure that the frontage of the premises is swept at least once each trading day.
4. That the premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to dealing with incidents and prevention of crime and disorder, sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
5. That the premises licence holder shall ensure that all training records shall be retrained for 12 months and made available to police and local authority officers upon reasonable request.
6. That the premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
7. That the premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
8. That the premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
9. That the premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available following the reasonable request of the police or authorised officer throughout the preceding 31 day period.
10. That the premises licence holder shall ensure that a staff member for the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
11. That the premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as practicable.
12. That the premises licence holder shall operate a Challenge 25 or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
13. That the premises licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a Challenge 25 or similar scheme operates in the premises.
14. That the premises licence holder shall ensure that any refusals of sale of age related

products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the product(s) sought, the gender and approximate age of the customer together with a description of the customer. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards upon reasonable request.

15. That the premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.
16. That the premises licence holder shall ensure that staff will immediately report to Southwark trading standards any instance of a caller to the shop attempting to sell alcohol, cigarettes and/or tobacco products.
17. That the premises licence holder shall ensure that spirits in re-sealed cases will not be purchased.
18. That the premises licence holder shall ensure that invoices (or copies) for all alcoholic goods purchased (for retail sales at the shop) will be kept on the premises and made available to officers of the council, police or HMRC upon reasonable request.
19. That the premises licence holder shall ensure that a stock control system will be introduced in order that the origin of any alcoholic goods purchased may be quickly identified.
20. That the premises licence holder shall ensure that an ultra-violet light will be available at the premises for the purpose of checking the UK duty stamp on spirits as soon as practicable after they have been purchased.
21. That the premises licence shall ensure that if any spirits purchased which have UK duty stamps which do not fluoresce under ultra-violet light or are otherwise suspicious, the supplier will be identified to Southwark council trading standards and HMRC as soon as possible.

And remove the current designated premises supervisor, Insaf Sagir.

And suspend the licence for a period of six weeks.

### **Reasons**

This was a hearing of an application by trading standards for a review of the premises known as Bermondsey Supermarket, 191 Southwark Park Road, London SE16 3TX.

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

The licensing (urgency) sub-committee heard evidence from trading standards, the applicant for the review who informed the sub-committee that following inspection at the premises on 14 March 2014 69 bottles of alcohol were seized and were found either to be counterfeit or UK duty evaded spirits.

Furthermore, the premises are required to have a personal licence holder on the premises at all times to ensure that all conditions in relation to the supply of alcohol are being complied with. However, following a further visit on 20 March, where a test purchase was carried out, a bottle of Smirnoff Ice was sold to the officer by a worker who confirmed that he did not hold a personal licence and was just helping out. All staff in the premises at the time confirmed that nobody had a personal licence. In addition, the premises are required to display signs asking customers to respect neighbours by discouraging noise. The officer noted that whilst the sign was at the premises it was obscured by cardboard boxes and not easily viewable to customers.

The officer was also asked if he wanted his bottle of alcohol opened on the premises. At that point, the officer noticed a bottle opener hanging by the till on a piece of string two feet long, which was long enough for customers to use on the premises. The officer advised that this be removed. Therefore the trading standards officer submitted that the review had been brought in relation to the following licensing objectives:

**Prevention of crime and disorder:**

- The business had in its possession for supply 69 bottles of alcohol where no duty had been paid and/or the product was counterfeit.
- Failure to implement conditions of the licence as outlined.

**Promotion of public safety:**

- Counterfeit Smirnoff which is usually manufactured in uncontrolled environments with minimal/no quality control and the alcohol often of a grade that is not suitable for personal consumption.

**Prevention of public nuisance:**

- The provision of a bottle opener hanging on a piece of string at the counter and the offer to use it for the customer permitted alcohol to be consumed on the premises and to allow alcohol to be readily consumed on the streets was likely to lead to public nuisance.
- Failure to display a notice in a position where it can be read by a customer asking them to respect neighbours by discouraging noise.

**Protection of children from harm:**

- Failure to adopt and implement an age verification scheme including the use of a refusal book for the purchase of recording all refused sales of alcohol and a recognised training scheme for all staff concerned with the sale or supply of intoxicating liquor, records of which shall be kept and made available for inspection.

In summary, the trading standards officer said that the sale of counterfeit alcohol as well as being a crime is a serious concern to public safety and can potentially put their health at risk.

Trading standards expressed their concerns at the premises licence holder's disregard or lack of understanding to the licensing conditions and responsibilities as a premises licence holder and asked the licensing (urgency) sub-committee to consider all options available to it.

The sub-committee heard from the licensing officer representing the council as a responsible authority who highlighted that they considered that all four licensing objectives had been compromised by the premises licence holder and highlighted the recommendation for suspension and removal of the current designated premises supervisor.

The sub-committee heard evidence from the legal representative of Bermondsey Supermarket who sought clarification from trading standards as to whether the authority had instigated criminal proceedings against the premises licence holder in relation to the alleged counterfeit goods. In response, trading standards stated that they did not believe that prosecution had been commenced but understood that enquiries were being carried out.

The legal representative stated that the premises had been operating for seven years as responsible licence holders and that they usually bought from reputable wholesalers. He went on to explain that the counterfeit goods were brought into the premises at approximately 10pm by a person who said he had come from a usual supplier (Ocean Trading). Whilst that he did state that this supplier usually supplied soft drinks and not alcohol, on this occasion he had a consignment of alcohol.

He stated that the designated premises supervisor was not on the premises on the evening in question. However, the staff accepted the alcohol but no payment was made. He went on to state that the designated premises supervisor (DPS) called Ocean Trading the next day and requested an invoice. However, despite his requests for an invoice, to date he had still not received one.

The legal representative stated that whilst the premises licence holder displayed some of the alcohol for sale on the shop floor he was not aware that it was counterfeit.

The premises licence holder was questioned in this respect. When asked why he had not sought to verify the origin of the alcohol before its sale he stated that it was due to a lack of communication between staff and management.

The legal representative stated that a training need had been identified for staff on the premises and provided several additional conditions to be attached to the licence which he submitted would assist in improvement in the premises and compliance with the licensing objectives.

The legal representative stated that the premises licence holder would be willing to put forward the name and contact of the supplier in order to assist the authorities with their further enquiries.

The premises licence holder stated that he had already spoken to the staff involved with the incident and had specifically told them not to accept deliveries without his authorisation.

Finally, the premises licence holder and their representative confirmed that measures will be put in place to ensure compliance with the licence conditions and objectives in the future.

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

The 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: 7A STONEY STREET, LONDON SE1 9AA**

The licensing officer presented their report. The licensing officer advised that the applicant and the police had conciliated. Members had no questions for the licensing officer.

The applicant addressed the licensing (urgency) sub-committee. Members had questions for the applicant.

The objectors to the application addressed the sub-committee. Members had questions for the objectors.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 3.12pm.

The licensing sub-committee resumed at 4.00pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That the application submitted by Wine Pantry Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of 7a Stoney Street, London SE1 9AA is granted as follows:

<b>Licensable Activity</b>	<b>Monday to Saturday</b>	<b>Sunday</b>
Sale and supply of alcohol (on and off the premises)	10.30 to 22.00	11.00 to 17.00
Hours premises are open to the public	10.30 to 22.00	11.00 to 17.00

### **Conditions**

That the operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following additional conditions:

1. That a CCTV system shall be installed at the premises and be maintained in good working order and be continually recording at all times that the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made available to officers of the police and the council.

### **Reasons**

This was an application submitted by Wine Pantry Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of 7a Stoney Street, London SE1 9AA.

The licensing (urgency) sub-committee heard evidence from the applicant and their representative who informed the sub-committee that the applicant has been trading for three years in the neighbouring premises without any issues in respect of the licensing objectives. In addressing the committee's concerns in relation to the saturation policy, the representative informed the sub-committee that the applicant had recently surrendered their licence in respect of number 3 Stoney Street. The applicant highlighted their request for the sub-committee to establish their track record in the area for the previous three years and noted that the police had no objections other than their representation relating to CCTV, which have already been agreed between the police and the applicant.

The applicant informed the sub-committee that their intentions are to expand their specialised English Wine sample and sale business, which has been operating in accordance to the licensing objectives.

The licensing (urgency) sub-committee heard from two other persons objecting to the application. The first objector stated that they belong to the organisation that is the freeholder of two neighbouring public houses on Stoney Street. They referred to the saturation policy for Borough and Bankside and stated that to their knowledge there had



been 131 crime reports in the area during the year 2013-14. They both stated that they believed that the new application would have a significant cumulative impact in the area resulting to an increase in pedestrian traffic.

They went on to state that they would not object to an off sales application, however the applicant had stated that the premises would have a maximum capacity of 40 therefore seeking to address any concerns in respect of the increase in crowds on Stoney Street.

The licensing (urgency) sub-committee considered all of the issues put forward and noted the applicant's willingness to conciliate and adopt the reduced hours for the licensable activity.

In considering the saturation policy for the area and the presumption that applications for new premises licences are likely to add to the cumulative impact, the licensing sub-committee, in accordance with saturation policy considered that the applicant had demonstrated not only in their submissions but their recent well established licensable operations that there would be no negative cumulative impact on one or more of the licensing objectives.

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

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

### **Appeal rights**

The applicant may appeal against any decision

- a) to impose conditions on the licence
- b) to exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that

- a) That the licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions on the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' court for the area in which the premises are 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.

**7. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE**

The licensing (urgency) sub-committee noted the open report and considered the information in the closed agenda.

**RESOLVED:**

That the application for a personal licence issued under the Licensing Act 2003 be refused.

The reasons for the decision are set out in the closed minutes.

**9. CONFIDENTIAL: LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE**

**EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

**RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 1 and 3 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

The licensing (urgency) sub-committee considered the closed information relating to this report.

The meeting closed at 5.07pm.

**CHAIR:**

**DATED:**