



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 29 September 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jon Hartley (Chair)
Councillor Sunny Lambe
Councillor Charlie Smith

OTHERS PRESENT: Amanpeet Kaur, premises licence holder for Bottles Off Licence
Noel A Samaroo, legal representative for Bottles Off Licence
Melbourne Nugent, applicant
Andrew Neary, local resident
James Neary, local resident
Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
Mark Orton, licensing officer
Jayne Tear, licensing officer
Bill Masini, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

Apologies were received from Councillor Renata Hamvas.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor Jon Hartley was nominated by Councillor Sunny Lambe to chair the meeting. This was seconded by Councillor Charlie Smith.

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 - BOTTLES OFF LICENCE, 27 PECKHAM HIGH STREET, SE15 5EB

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 Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police.

The representatives from the premises addressed the sub-committee. Members had questions for the representatives from the premises.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.41am.

The meeting resumed at 1.20pm 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 trading standards for a review of the premises granted under the Licensing Act 2003 granted to Amanpeet Kaur in respect of the premises known as Bottles Off Licence, 27 Peckham High Street, London SE15 5EB and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to suspend the licence for a period of two weeks and modify the conditions as follows:

1. That condition 127 (re supply of alcohol with a meal) be removed.
2. That condition 124 (re drinking hours) be removed.
3. That there shall be a personal licence holder on the premises at all times that alcohol is available for supply for the purpose of supervising such sales.
4. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 7% will be displayed, sold or offered for sale from the premises.
5. That the premises shall operate a age check 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 Southwk Proof of Age (SPA) card.

6. That all staff involved in the sale of alcohol shall attend a recognised training scheme, which will include training in the age check "Challenge 25" policy. They must obtain a certificate of competence. A record of their training, including the dates that each members of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or police.
7. That age check "Challenge 25" signage shall be displayed at entrances to the premises where alcohol is displayed for sale and at points of sale to inform customers that an age check "Challenge 25" policy applies and that proof of age may be required.
8. That a register of refused sales of alcohol and, if applicable, cigarette sales, which is clearly marked with the 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 police.
9. That an electronic point of sale (EPOS) system be installed at all tills in the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age of purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
10. That a CCTV system 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.
11. That all CCTV footage shall be kept for a period of 31 days and shall upon request, be made immediately available to officers of the police and council (condition 289).

Reasons

The licensing sub-committee heard from the trading standards officer, the applicant for the review who informed the sub-committee that on 28 May 2014 a test purchase was conducted at the premises involving a 15 year old volunteer who took a large bottle of WKD to the counter and asked the man behind the counter how much it was. He said that it cost £3.85 and the 15 year old paid him with a £5 note. He said nothing to her, but took her money and gave her the change.

The trading standards officer returned to the shop and spoke to the seller. It was noticed that the premises licence summary was incorrect. The seller was also unaware of any refused sales register being used. Officers then spoke to Mr Sharanjeet Singh, the husband of the licensee, who said that he would attend the premises. While waiting for him, a male came into the shop and went to the super strength beers and lagers. Officers recognised that he was a street drinker with a serious alcohol problem and described him as paralytic, and a potential threat. The male was unable to find the money to purchase the items and left the shop. The officer spoke to the seller and warned him about selling to drunks. The street drinker returned with another man to attempt to purchase the alcohol again. The seller sold two drinks to him. The seller was unsure who the premises licence

holder or the designated premises supervisor (DPS) was.

The seller and the premises licence holder/DPS, Amanpeet Kaur, were interviewed under caution and admitted the offences. Mrs Kaur stated that the premises was owned by her husband, Sharanjeet Singh, who she said had asked her to be the premises licence holder and DPS because he had been convicted of drink driving, which was a relevant offence under the Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service representative who supported the representations of the trading standards officer. The representative from the police gave oral evidence concerning a number of incidents involving Sharanjeet Singh that took place prior to the transfer of the licence to Amanpeet Kaur, at a time that the authority's licensing team had no concern with the premises.

The licensing sub-committee found the circumstances extremely serious and considered revoking the licence. However, the sub-committee took into account the personal circumstances of Mrs Kaur and felt that on this occasion, with the additional conditions in place the licensing objectives in respect of the prevention of crime and disorder and the protection of children from harm could be supported. However, it was noted that Mrs Kaur is the only personal licence holder employed within the shop and that coupled with the seriousness of the complaint before the sub-committee, a two week suspension of the licence needed to be imposed.

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 this decision was appropriate and proportionate.

Appeal rights

This decision is open to appeal by either:

- 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.

6. LICENSING ACT 2003 - BLUE MOUNTAIN CAFE, EAST DULWICH, 18 NORTHCROSS ROAD, SE22 9EU

The licensing officer presented their report. The licensing officer updated the sub-committee regarding the conciliation process to date.

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

The other persons, namely local residents, who were opposed to the application. Members had questions for the other persons.

The meeting went into closed session at 2.42pm.

The meeting resumed at 3.40pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Santaclem Ltd for the grant of a premises licence issued under the Licensing Act 2003 in respect of Blue Mountain Cafe, 18 Northcross Road, London SE22 9EU is granted as follows:

Licensable Activity	Monday to Saturday	Sunday
Sale and supply of alcohol (on the premises)	10.00 to 23.00	10.00 to 18.00
Hours premises are open to the public	09.00 to 23.00	10.00 to 18.00

Conditions

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 conditions conciliated with the responsible authorities, namely the safeguarding children board and the planning authority.

Reasons

The licensing sub-committee heard from the applicant who advised that he had been the manager of the premises for 21 years. He employed staff from the local area and that he held events that were of interest within the community and that he wanted to expand the operation by running small events and events in the evening. He previously had a licence from the premises but this had lapsed when the premises was closed for refurbishment. He refuted the written complaints from local residents stating that concerning live music, he had not applied for this; he did not use the premises garden on a Sunday and that he had applied to planning regarding the usage of the forecourt on a Sunday, in line with other local premises.

The licensing sub-committee noted that the representations from the safeguarding children board and the planning authority had been withdrawn following conciliation.

The licensing sub-committee also noted the four written representations from other persons who were not present at the hearing, one of which was in support of the application.

The licensing sub-committee heard from other persons (party 3) who informed the sub-committee that they had experienced problems with the premises for approximately 19

years regarding noise nuisance and breaches of planning conditions relating to the property. An enforcement notice and a stop notice were issued by the planning department in June 2010 in respect of breaches of conditions relating to excessive noise and out of hours operation of the premises. Party 3 was of the view that the granting of a licence under the Licensing Act 2003 would greatly increase noise nuisance. However, the sub-committee noted that no formal complaints were made for approximately 16 years.

The licensing sub-committee, although sympathetic to the objectors of the application, are obliged to follow the relevant legislation and guidance and are reminded that licensing applications should not be a re-run of planning applications and should not cut across decisions taken by the local authority planning committee (Southwark statement of licensing policy 2013-14). The sub-committee also noted that any complaints of noise nuisance would be dealt with by the environmental protection team. However, they did not submit a representation and therefore had no objections to this licence application. The licensing sub-committee felt that the concerns of the objectors, including those of the planning authority would be satisfied with the conditions conciliated. The local residents are reminded that following the granting of this licence, if they are of the view there has been a breach of the licence conditions they have the right to call for a review of the licence.

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 granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to 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.

The meeting ended at 3.50pm.

CHAIR:

DATED: