



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 6 October 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor David Hubber  
Councillor Charlie Smith

**OTHERS PRESENT:** Naeem Shah Mian, premises licence holder – UK Food and Wine  
David Dadds, legal representative  
Sritharan Tharmaraja, premises licence holder – Day 1  
Jay Patel, legal representative  
Graham White, Metropolitan Police Service

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Kristie Ashenden, 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: UK FOOD AND WINE, 338 CAMBERWELL NEW ROAD, LONDON SE5 0RW**

The licensing officer advised that all the parties had been in discussions prior to the meeting in order to come to an agreement on appropriate conditions to include on the licence in order to address the licensing objectives.

The trading standards officer, the applicant for the review advised that they had held discussions with the premises licence holder and their representative and that they had agreed to a set of conditions which would be appropriate and proportionate in order to address the licensing objectives.

The Metropolitan Police Service representative advised that they also accepted the proposed conditions.

The premises licence holder's representative confirmed that they agreed to the proposed conditions.

The licensing sub-committee went into closed session at 10.55am.

The licensing sub-committee resumed at 11.10am 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 council's trading standards service for a review of the premises granted under the Licensing Act 2003 to Mr. Javed Iqbal in respect of the premises known as UK Food and Wine, 338 Camberwell New Road, London, SE5 0RW, and having had regard also to all relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions as follows:

1. That condition 341 be removed (relating to the adoption and implementation of a recognised proof of age scheme, including the use of a refusal book for the purpose of recording all refused sales of age related products)
2. That condition 342 be removed (that there shall be a recognised training scheme for all staff concerned with the supply of intoxicating liquor, records of which shall be kept and made available for inspection, on request, by the police or council officers).
3. That condition 343 be removed (that any young person who appears to be under the age of 21 will be asked to show a universally recognised form of identification (i.e. proof of age card, passport or photo driving licence) before being allowed to purchase alcohol from the premises).

4. That condition 336 be removed (in relation to a personal licence holder: there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales)

That the following additional conditions shall apply:

1. 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.
2. That alcohol shall not be sold by any person who is not employed to work at the premises.
3. 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.
4. 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.
5. That the premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and council officers on reasonable request.
6. That the premises licence holder shall ensure that refresher training shall be satisfactorily every six months for all staff and documented accordingly.
7. 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.
8. That the premises licence holder shall ensure that any refusals of sales of age related products are recorded in a refusals log as soon as reasonably practicable after the sale is refused. The log should show the details of the premises, 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 log is to be perused daily or weekly by all staff and initialled to this effect. 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.
9. 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 (any other product where the age for 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 before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:

- Proof of identity (such as a copy of their passport)
- Nationality
- Current immigrations status
- Details of their full name and address
- Date of birth
- Employment history
- Education
- Criminal convictions
- Permission to contact the current/previous employer will be sought.

### **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review that all parties had reached an agreement with the modified conditions to the licence as listed above. The other parties confirmed that they were in agreement with the conditions.

The licensing sub-committee were satisfied that these agreed conditions were appropriate and proportionate and would fulfil the licensing objectives.

### **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' 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

**6. LICENSING ACT 2003: DAY 1, 61 CAMBERWELL CHURCH STREET, LONDON, SE5 8TR**

The licensing officer advised that all the parties had been in discussions prior to the meeting in order to come to an agreement on appropriate conditions to include on the licence in order to address the licensing objectives.

The trading standards officer, the applicant for the review advised that they had held discussions with the premises licence holder and their representative and that they had agreed to a set of conditions which would be appropriate and proportionate in order to address the licensing objectives.

The Metropolitan Police Service representative advised that they also accepted the proposed conditions.

The premises licence holder's representative confirmed that they agreed to the proposed conditions.

The licensing sub-committee went into closed session at 11.15am.

The licensing sub-committee resumed at 11.20am 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 Sritharan Tharmaraja in respect of the premises known as Day 1, 61 Camberwell Church Street, London SE5 8TR 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 follows:

1. That condition 310 be removed (that all windows and doors excepting any that may be required to be locked open for the purposes of means of escape shall be kept closed).
2. That condition 324 be removed (that a notice be displayed at the premises giving the telephone numbers of local mini-cab firms).
3. That condition 342 be removed (that patrons lingering outside the premise will be disbursed).
4. That condition 158 be removed (legal notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly).
5. That condition 341 be removed (Crime prevention notices shall be displayed).
6. That condition 326 be removed (in relation to age verification).

7. The condition 340 be removed (there shall be a personal licence holder on the premises from 11pm till closing).

The following additional conditions shall apply:

8. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 (any other product where the age for 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.
15. That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:
  - Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigrations status
  - Details of their full name and address
  - Date of birth

- Employment history
- Education
- Criminal convictions
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The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review that all parties had reached an agreement with the modified conditions to the licence as listed above. The other parties confirmed that they agreed to these conditions.

The licensing sub-committee were satisfied that these agreed conditions were appropriate and proportionate and would fulfil the licensing objectives.

### **Appeal rights**

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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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting ended at 11.15 am

**CHAIR:**

**DATED:**