



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 23 December 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Jon Hartley (Chair)
Councillor Sandra Rhule
Councillor Sunny Lambe

OTHERS PRESENT: Ghazanfar Ali, representative from Foodlink
Alan Aylott, legal representative
Graham White, Metropolitan Police Service

OFFICER SUPPORT: Debra Allday, legal officer
David Franklin, licensing officer
Dorcas Mills, licensing officer
Ian Millichap, proper 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: FOOD LINK, THE WINDMILL, 98-100 WYNDHAM ROAD, LONDON SE5 0UB

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

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

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

The representative from the premises and their legal representative addressed the sub-committee. Members had questions.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.22am.

The meeting resumed at 1.01pm 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 Metropolitan Police for a review of the premises granted under the Licensing Act 2003 to Ghazanar Ali in respect of the premises known as Food Link, The Windmill, 98-100 Wyndham Road, London SE5 0UB 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

The reasons for this decision are as follows:

The licensing sub-committee had previously adjourned on 19 December 2014 at the request of the legal representatives of Food Link. All parties had agreed to reconvene on 23 December 2014.

This was a hearing made to consider an application under section 51 of the licensing act 2003 by the Metropolitan Police Service, for a review of the premise known as Food Link.

The licensing sub-committee heard from the Metropolitan Police Service who made the review and advised that the application related to an incident made on 19 November 2014 at 00:25 when there was a serious assault and a member of staff received multiple stab wounds to the front and back. A number of suspects had entered the premises, one drinking alcohol from an open vessel. An argument ensued and one of the suspects started shouting abuse at staff. A member of staff was seen ushering the individuals out on CCTV and he was observed leaving the premises brandishing a pole and swung it at the suspects. A fight started where the victim received multiple stab wounds. When the police attended there were still customers in the store and staff had to be told to shut the

shop and to stop serving customers.

On 22 November 2014 at 03:00, police attended the premises to retrieve the CCTV images from the 19 November. Police were informed that the CCTV footage had been deleted from the hard drive.

On 23 November 2014 police attended the premises at 00:32 and again customers were witnessed purchasing alcohol in the shop in breach of the licence.

The licensing sub-committee heard from the trading standards officer supporting the review, who attended on 23 November 2014 with the police. They found the premises to be operating in breach of the licence and a member of staff was arrested for immigration offences. Ten boxes of Smirnoff vodka were identified that had been previously opened and resealed with tape. The UK duty payable label on the back of the bottles had been covered with white round stickers. Some of the bottles had a sticky residue over the UK duty payable label suggesting the white labels had been removed.

The licensing sub-committee heard from the representatives of Food Link who informed the sub-committee that the issues arising from the assault on the 19 November 2014 had been addressed appropriately when the interim steps were imposed on 28 November 2014. There had been no further incidents since the interim steps and full training had been provided to staff. Concerning the allegations of immigration offences, these were still being investigated by the relevant authorities. Regarding the export diversion fraud, the premises licence holder was unable to dispute this. The premises were still investigating the whereabouts of the receipts and conditions could be put in place to ensure this could not happen again. Concerning the breaches in conditions this could be addressed by curtailing the hours on the licence and the removal of the designated premises supervisor.

The licensing sub-committee considered very carefully the both the written and oral submissions. It noted on 14 September 2013 licensing officers witnessed breaches of conditions 336 (a personal license holder should be on the premises at all times that intoxicating liquor is supplied); condition 343 (that there be window service only between 00:00 and 06:00); and condition 345 (a refusal book will be kept at the premises and maintained at all times). On 22 November 2013 a further inspection by licensing officers found the premise operating again in breach of conditions 336, 343 and 345. The incident that occurred on the 19 November 2014 resulted wholly as a result of the premises operating in breach of condition 343. Furthermore CCTV was deliberately deleted in breach of condition 340. Notwithstanding the very serious assault on 19 November 2014 the staff continued to serve customers in the premises until they were ordered to stop by the police. Furthermore on 22 November 2014, the premises were operating in breach of condition 343. There also appeared to be no personal licence holder on the premises or if they were their actions were evasive and their actions led the police to conclude that they were not personal licence holders.

Two days after this incident police and trading standards found the premises operating in breach of licensing conditions, a member of staff working at the premises was arrested for immigration offences and a substantial amount of vodka was seized for export diversion fraud. The licensing sub-committee are satisfied that no additional conditions could be added to the licence to address the responsible authorities concerns. The premises licence holder has demonstrated little regard to the licensing objectives in relation the prevention of crime and disorder and promotion of public safety and therefore there is no

alternative but to revoke the premises licence.

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.

For the avoidance of doubt, during this time the interim steps imposed on 28 November 2014 shall remain in place.

The meeting ended at 1.11pm.

CHAIR:

DATED: