



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 22 June 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Tom Flynn  
Councillor Adele Morris

**OTHERS PRESENT:** Naseem Sameer, designated premises supervisor  
Graham Hopkins, representative for the premises  
Linda Potter, representatives for the premises

**OFFICER SUPPORT:** Debra Allday, legal officer  
Dorcas Mills, 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: RYE EXPRESS, UNIT 1, 137-139 RYE LANE, LONDON SE15 4ST**

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

The designated premises supervisor (DPS) for the premises and their representatives addressed the sub-committee. Members had questions for the DPS and their representatives.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.28pm.

The meeting resumed at 3.05pm 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 made under Section 51 of the Licensing Act 2003 by trading standards for a review of the premises licence in respect of the premises known as Rye Express, Unit 1, 137-139 Rye Lane, London SE15 4ST and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

1. Suspend the licence for a period of six weeks
2. Remove the current DPS (Mr Naseem Sameer)
3. Modify the licence by reducing the hours for the sale of alcohol to 08.00 to 00.00.

**Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who advised that trading standards officers visited the premises on 13 March 2015 and found that the premises were in breach of a number of conditions. Furthermore, some 70 litres of alcohol, which had been imported without payment of duty were found in total. This included 36 bottles of Smirnoff Vodka which had not traceable invoices. In addition shisha tobacco was offered for sale without government health warnings. On 28 May 2015 Mr Sameer accepted a simple caution for these offences.

It was noted that on 7 February 2015, the premises had been visited by licensing enforcement officers and again numerous conditions had been breached, but had subsequently been rectified.

They further advised that on 7 April 2015 there was one person working at the shop when

trading standards officers carried out a test purchase. A can of Abbot Ale was purchased from a female. The female said she was 18 years old and had worked at the premises for roughly 11 days. She did not hold a personal licence and was unaware that there was a condition that a personal licence holder must be on the premises at all times that alcohol is sold. She had not been told that she could not sell alcohol.

The licensing sub-committee heard from the representatives from the premises who informed the sub-committee that he fully accepted the trading standards summary, that he did accept a simple caution to the trading standards offences. He apologised to the members and said he was remorseful. He went on to say that there was a management agreement in place in 2013/14, during which time he concentrated on going to Afghanistan to bring his wife back to the UK. The management agreement expired in February 2014 and at no stage did the licence holder vary his role as the DPS. The licence holder said he was unhappy with the running of the business whilst under the management agreement. Towards the end of 2014 his attention was concentrated on his wife and the safe delivery of his first child. During this time he purchased the vodka from a white van man in the car park of a large cash and carry. He accepted that there was no invoice for the shisha tobacco.

The sub-committee were very sceptical as to the licence holder's version of events. He has implicated other people and he knew the alcohol was illegal. Alomo Beer was displayed for sale in breach of condition 347 of the licence. Whilst he took the business back from the management agreement in April 2014 he was the only personal licence holder working a minimum of 112 hours per week. When questioned further, Mr Sameer said that he worked part time (65 to 70 hours per week), meaning he was allowing the sale of alcohol without a personal licence holder on the premises for approximately 52 to 70 hours per week. The sub-committee considered the refusals book dated from 29 November 2014 to 19 June 2015 and all of the refusals had been signed by Mr Sameer. There were no refusals by any other employees despite there being approximately 52 to 70 hours a week when Mr Sameer was not present.

Until very recently Mr Sameer had been the only personal licence holder. There is now a new personal licence holder working at the premises and two other employees have undertaken the training (8 June 2015) and are awaiting their personal licences.

In the circumstances, the licensing sub-committee have unanimously concluded that it had no confidence in Mr Sameer and given that the premises are in a saturation zone it is in the interests of the local community that the operating hours for the licensable activity should be reduced in line with other local off licences and that a new DPS should be found in addition to the employment and all necessary training of suitable personal licence holders. Therefore, the licensing sub-committee felt it necessary and proportionate to suspend the licence for a period of six weeks.

### **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.

Meeting ended at 3.15 pm

**CHAIR:**

**DATED:**