

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 26 June 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Charlie Smith

**OTHERS
PRESENT:** Ian Clements, police licensing officer, Metropolitan Police
Noel Samaroo, representative, T&S Afro Cosmetics Food and Wine
Thambapillai Thanabalasingham, licensee, T&S Afro Cosmetics Food & Wine
Thambapillai Sivagi, T&S Afro Cosmetics Food & Wine
Jahanzaib Safdar, applicant, Bermondsey Express
Councillor Stephanie Cryan, ward councillor

**OFFICER
SUPPORT:** Debra Allday, legal officer
David Franklin, licensing officer
David Swaby, licensing officer
Bill Masini, trading standards officer
Vicky Spencer-Hughes, public health officer
Victoria Foreman, constitutional 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: EXPRESS SUPERSAVE, 109 - 115 BLACKFRIARS ROAD, LONDON SE1 8HW

The chair of the sub-committee informed members and all parties present at the meeting that a request had been received for consideration of the review of Express Supersave be postponed.

All parties present were in agreement regarding the postponement.

RESOLVED:

That the review application be postponed and considered on Thursday 23 July 2015.

6. LICENSING ACT 2003: T & S AFRO COSMETICS FOOD & WINE 213A RYE LANE, LONDON SE15 4TP

The licensing officer presented their report and advised members that there were some additional papers that had been circulated prior to the meeting and had been considered by members.

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

The public health officer addressed the sub-committee. Members had questions for the public health officer.

The representatives from the premises and their representative addressed the sub-committee. Members had questions of licence holders and their representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.30am.

The meeting resumed at 12.05pm 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 Southwark Council's trading standards service for a review of the premises licence issued in respect of the premises known as T & S Afro Cosmetics Food & Wine, 213a Rye Lane, London SE15 4TP 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 four weeks (the suspension to start from the day of the hearing (26 June 2015) and all parties will forgo their appeal rights).
2. Modify the licence by reducing the hours for the sale of alcohol to:
 - Sunday to Thursday 10.00 to 23.00
 - Friday and Saturday 10.00 to 01.00.
3. Modify the conditions of the licence as follows:

Conditions

- 1) That no alcoholic goods will ever be purchased or taken from persons calling to the shop. Details of any cold callers including CCTV images shall be passed to trading standards as soon as possible.
- 2) That the licensee will immediately report to trading standards any instance of a caller to the shop attempting to sell alcohol.
- 3) That a notice shall be clearly displayed by the entry door that the shop does not buy from cold callers.
- 4) That no spirits shall be purchased in a resealed box.
- 5) That invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- 6) That a stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- 7) 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 practical after they have been purchased.
- 8) That if any spirits bought by the business have UK duty stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Southwark Council trading standards as soon as possible. Such goods are to be removed from the shop retail display area and placed in a clearly dedicated area of the store room marked "Not For Sale".
- 9) That all staff involved in the purchasing or checking of alcohol shall receive appropriate training.
- 10) That an incident book shall be kept at the premises and be made available to the police or authorised officers of the council and which shall record the following:
 - All crimes reported
 - Lost property
 - All removals / ejections of customers from the premises
 - Any complaints received
 - Any incidents of disorder

- Any faults in the CCTV
 - Any refusal in the sale of alcohol
 - Any visit by a relevant authority or emergency service.
- 11) That the designated premises supervisor (DPS) and personal licence holders should record their dates and times of attendance in the appropriate section of the incident book. The premises licence holder will keep a record of all personal licence holders in the incident book.
 - 12) That only staff who have received appropriate training in licensing law and who are specifically authorised in writing may sell alcohol. The DPS shall complete and keep up to date a written record of all trained staff authorised to sell alcohol in his absence which should be displayed and made available to the police or authorised officers of the council.
 - 13) That 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 proof of age london (SPL) card.
 - 14) 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.
 - 15) 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.
 - 16) 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. On a monthly basis the DPS shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the Police.
 - 17) That there shall be a premises licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
 - 18) That condition 341 be modified to read "That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 5.5% will be displayed, sold or offered for sale from the premises except with the written permission from the police or trading standards or the licensing authority. A copy of that permission must be returned with the licence and be available for inspection by the police or council officers".

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 a conciliation meeting involving the premises licence holder, their representative and the responsible authorities took place on 22 June 2015. All parties reached an agreement which involved the suspension of the premises licence, a reduction in operating hours and hours for the sale of alcohol, the addition of 17 new conditions and the modification of an existing condition.

The licensing sub-committee heard from the public health authority supporting the review who confirmed that they were satisfied with the conciliation agreement.

The licensing sub-committee noted the written representation from the other person supporting the review who was not in attendance. However, the sub-committee found that there was no evidence to support the accusations of underage sales, which was confirmed by the trading standards officer.

The licensing sub-committee heard from the representatives from the premises who confirmed that they were satisfied with the conciliation agreement.

The licensing sub-committee were satisfied that the conciliated conditions were appropriate and proportionate in the circumstances and would address 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.

7. LICENSING ACT 2003: BERMONDSEY EXPRESS, 212 JAMAICA ROAD, LONDON SE16 4BD

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

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

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 Metropolitan Police Service representative.

The other person, namely the ward councillor, addressed the sub-committee. Members had questions of the other person.

The meeting went into closed session at 1.37pm.

The meeting resumed at 2.40pm.

At this point the sub-committee were advised that the applicant had withdrawn their application.

Meeting ended at 2.40 pm

CHAIR:

DATED: