

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 26 April 2016 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor David Hubber  
Councillor Lorraine Lauder MBE

**OTHERS PRESENT:** B. Aksu, former DPS, Bottle and Basket  
A. Cicekli, leaseholder, Bottle and Basket  
Riza Cicekli, premises licence holder, Bottle and Basket  
Andrew Morrell, legal representative, Bottle and Basket  
Councillor David Noakes, ward councillor  
Bitty Kapoor, director, Quality Food Store  
Balbir Kapoor, Quality Food Store  
Aramjit Kapoor, designated premises supervisor, Quality Food Store  
S. Panchad, licensing agent, Quality Food Store

**OFFICER SUPPORT:** Debra Allday, legal officer  
Bill Masini, trading standards officer  
Richard Kalu, licensing officer  
Jayne Tear, licensing officer as a responsible authority  
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: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX**

The licensing officer presented their report. Members had 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 chair allowed the legal representative for the premises to ask questions of the trading standards officer. The trading standards officer responded to the questions.

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The ward councillor, supporting the review, addressed the sub-committee. Members had questions for the ward councillor.

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

All parties were given five minutes for summing up. Issues were raised regarding the proposed sale of the premises.

The meeting went into closed session at 12.39pm.

The meeting resumed at 1.48pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the meeting be adjourned to 24 May 2016 to allow the representatives from the premises time to prepare documentation including a signed lease and licence to assign for the premises.

**6. LICENSING ACT 2003: QUALITY FOOD STORE, 14 - 16 PILGRIMAGE STREET, LONDON SE1 4LL**

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

The licensing officer representing the council as a responsible authority, supporting the review, addressed the sub-committee. Members had questions for the licensing officer.

The licensing sub-committee heard from the representatives from the premises and their agent. Members had questions for the representatives from the premises and their agent.

The meeting went into closed session at 2.52pm.

The meeting resumed at 3.00am and the chair read out the decision of the sub-committee and advised that the full decision would be emailed to all parties.

#### **RESOLVED:**

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Quality Food Store, 14 - 16 Pilgrimage Street, London SE1 4LL and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 28 days.
- b) Modify the conditions of the licence by as follows:
  1. 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 (PAL) card.
  2. 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.
  3. 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.
  4. 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 designated premises supervisor shall check the register to ensure it is being properly completed. He/she 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.
  5. 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.

6. 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.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises.
8. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times and be continually recording at all times the premises is in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to the police and/or authorised officers from Southwark Council.
9. That all staff working at the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by police and/or authorised officers from Southwark Council.
10. That all off sales of alcohol shall be supplied in closed containers.
11. That the designated premises supervisor undertakes a DPS Bii level 2 training course.

## **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 the incident that prompted this review occurred on 21 September 2015 when a complaint was received from a member of the public in that they went to the premises to buy cigarettes and was offered other cheaper cigarettes. The complainant stated that the person was very pushy in their approach. Trading standards attended four days later, on 25 September 2015 and found counterfeit and non-duty paid cigarettes behind the counter. A simple caution in respect of this offence was accepted on 16 December 2015. The trading standards officer stated that 13 months previously, on 31 July 2014, officers had attended the premises and seized counterfeit cigarettes and illegal guttka chewing tobacco from behind the counter.

In respect of the 31 July 2014 offence, the then designated premises supervisor (DPS) accepted a caution. The DPS was advised he must be replaced as he had told officers he no longer was involved in the business, yet at the time of the visit on 25 September 2015, the DPS had not changed, regardless of the DPS having no role in the business.

There had been a long history of non-compliance with licence conditions and enforcement action at the premises. In particular, a failed challenge 25 test purchase on 6 December 2014; selling food beyond their use by date on 15 December 2015; inaccessible CCTV/ CCTV being retained for an incorrect period of time; failure to maintain a refusals book and training records.

The licensing sub-committee heard from the Metropolitan Police Service representative, who supported the review. In particular, the officer advised of two dates (October 2014 and 27 December 2015) when violent incidents took place and on both occasions CCTV was not available, having a negative impact on the criminal investigations. The police also confirmed that there was a history of street drinking in the vicinity of the premises

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, who also supported the review. The officer advised that the licence in its current form had few conditions for the control of alcohol to children, drunk persons and street drinkers.

The licensing sub-committee heard from the representatives from the premises who fully accepted the allegations made against the premises and that they wished to forge a better working relationship with both the police and the council as a whole. A new upgraded CCTV system was due to be installed; all staff would be trained on the usage of the CCTV system; new refusals and also an incident book was being maintained; challenge 25 posters had been erected; a new DPS was now in place and would be undertaking a DPA Bii level 2 training course. In moving forward, most of the proposed conditions were acceptable.

The licensing sub-committee were extremely concerned with the history of non-compliance and enforcement action that had taken place over the course of the last 4 years. Basic documentation such as the trading standards age restricted sales documentation (in particular the refusals book) had not only been unmaintained, it was also found by trading standards in a plastic bag in the basement of the premises. Two criminal investigations had been compromised due to failure to access and/retain adequate CCTV footage.

The licensing sub-committee heard representations from the representative for the premises who questioned the need for condition 7 listed above. However, given that the police confirmed that there was a history of street drinking in vicinity and the premises history of non-compliance at this stage, the sub-committee feel it is appropriate and proportionate to include this condition.

Despite warnings and trading standards investigations (resulting in the DPS accepting simple cautions), it has taken this review application to get the Quality Food Store Limited to focus their mind. Positive steps have been undertaken to ensure future compliance. If these steps had not taken place, this sub-committee would be minded to revoke the premises. If there should any future non-compliance and/or enforcement action involving these premises, it is likely that a more severe outcome will be upper most in the sub-committee's mind.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and felt that this decision was appropriate and proportionate in order to address the licensing objectives.

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 3.03 pm.

**CHAIR:**

**DATED:**