

ROYAL BOROUGH OF GREENWICH

LICENSING SUB-COMMITTEE B

THURSDAY, 1 DECEMBER 2016 AT 6.30 PM

MINUTES

PRESENT:

Members:

Councillor Mandy Brinkhurst (Chair), Councillors Mick Hayes and Ray Walker,

Officers

Licensing Lead Officer, Senior Prosecutions and Licensing Lawyer and Committee Officer

Item

No.

1 Apologies for Absence

There were no apologies for absence.

2 Urgent Business

There was no urgent business.

3 Declarations of Interest

Resolved –

That the list of Councillors' memberships as Council appointed representatives on outside bodies, joint committees and school governing bodies be noted.

4 Minutes

Resolved -

That the minutes of the meeting of Licensing Sub-Committee ‘B’ held on 25 October and 2 November 2016 be agreed and signed as true and accurate records.

5 Arnott Close Post Office, 6 Arnott Close, Thamesmead, SE28 8BG

In Attendance:

Applicant	Jitendra Patel; Stewart Gibson (legal representative)
Making Representation	Councillor Averil Lekau; A.S. Deol and N.S. Deol represented by Barry Craig

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and that all parties were aware of their right to be represented.

The Sub-Committee considered an application made by Jitendra Patel, for the grant of a new Premises Licence in respect of the Arnott Close Post Office, 6 Arnott Close, London SE28 8BG

The Licensing Lead Officer gave an illustrated introduction to the report. He drew Members attention to Appendix E and the agreement of the applicant to the proposals of the Police with the exception of the agreement to a condition on 6.5% beer, lager or cider.

The Sub-Committee was addressed by the applicant’s legal representative. He clarified that the reason for the application was for commercial reasons. He noted agreement had been reached between the applicant and the responsible authorities, and that there was otherwise only two objections. He highlighted that the two shops either side of the premises sold alcohol and for longer hours than the applicant was requesting. He emphasised that the objection from Gogi’s Supermarket next door to the applicant’s premises was based on grounds of competition, and he refuted all their reasons for objection. He requested that little weight be given to the petition. He noted that the claims of problems in the area did not relate to the application premises and that the claim that those existing problems would get worse by granting this application did not address the actual source of the problems.

In response to questions from the Sub-Committee the applicant’s representative indicated that the condition on 6.5% beer, lager or cider could be accepted on the basis of an agreement on a list of ‘premium’ product lines.

The Sub-Committee was addressed by Ward Councillor Averill Lekau who explained that her representation had been made on behalf of constituents, and that she was content with the amendments made by the applicant.

The Sub-Committee was addressed by the representative of A.S. Deol and N.S. Deol. He disputed that the statutory notices of the application had been properly displayed. The Senior Prosecutions and Licensing Lawyer advised the Sub-Committee that there had been no impropriety and that as no one had been disadvantaged that they should proceed.

The representative of A.S. Deol and N.S. Deol further addressed the Sub-Committee. He accepted that the issue of the lease was not a matter for the Sub-Committee but that it was felt it should be brought to Members' attention. He stressed that the objection was not based on commercial rivalry. He queried the operation of the premises in relation to the operation of the Post Office. He highlighted that following the granting of a licence for the premises at 5 Arnott Close problems of anti-social behaviour had got worse. He said that they were not claiming problems were due to a specific premises, but that there was an issue of proliferation of licences which would be exacerbated by the granting of another licence. Just as the Police were proposing a minimum number of conditions to address the potential problems so were they.

In response to questions from the Sub-Committee the representative of A.S. Deol and N.S. Deol replied that it was their contention that problems of crime and disorder had increased since the granting of a licence for 5 Arnott Close and that they therefore felt that things would get worse if this application was also granted. He was confident that the Police could provide statistics of crime and disorder in the area. It was emphasised that irrespective of the details of the staff arrangement between the shop and the Post Office there would need to be a personal licence holder in the shop at all times alcohol was on sale.

Members of the Sub-Committee indicated that they were not satisfied that allegations about the premises at 5 Arnott Close related to the application before them. It was noted that any licence could be reviewed.

All parties, with the exception of the Legal Advisor and Committee Officer, withdrew to allow the Sub-Committee to deliberate at 7.18pm. All parties returned at 7.44pm.

The Chair read out the decision.

In reaching its decision the Sub Committee considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions the Sub Committee did so with a view to promoting

the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Having considered all the evidence put before it the Sub-Committee

Resolved -

to grant the Premises Licence under the Licensing Act 2003 in respect of the

Arnott Close Post Office, 6 Arnott Close, London SE28 8BG

as follows:

That the hours for licensable activities

the supply of alcohol (off sales) shall be

Monday – Sunday	09:00 until 21:00
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The licence is granted subject to the conditions as are consistent with the Operating Schedule and the conditions volunteered by the applicant as set out as follows:

- (1) The Challenge 25/Think 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.
- (2) All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every six months. The training log will be made available for inspection by Police and "authorised persons".
- (3) A refusals log shall be kept at the premises, and made immediately available on request to the police or an "authorised person". The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
 - b) the date and time of the refusal;
 - c) the alcohol requested and reason for refusal;
 - d) a description of the person refused alcohol.
- (4) The following posters shall be displayed conspicuously on the premises in customer facing areas:
- a) 'Think 25' or similar poster to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25;
 - b) 'It's A Crime' or similar poster intended to warn adults not to buy alcohol for those under 18 years-of-age.
- (5) The Premises Licence Holder will ensure that legible copies of the receipts for all alcohol goods purchased will be retained on the premises for at least 6 months and be made immediately available on request to the police or an "authorised person". The documents must include the following details:
- a) Seller's name and geographical address;
 - b) Seller's company details, if applicable;
 - c) Seller's VAT details, if applicable;
 - d) Vehicle registration detail, if applicable.
- (6) The Premises Licence Holder shall not purchase any alcohol goods from door to door sellers
- (7) A CCTV recording system shall be installed that is capable of capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.
- (8) Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.
- (9) Notices shall be displayed advising that CCTV is in operation.
- (10) When the CCTV is not operating, no supply of alcohol shall be made on the premises.

- (11) The DPS will keep an up to date Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.
- (12) Alcohol shall not be sold in an open container or consumed in the licensed premises.
- (13) There shall be no self-service of spirits. All spirits shall be displayed for sale behind the counter.
- (14) No more than 30% of the available display space at the premises shall be given over to the display of alcohol.
- (15) Signage requesting customers to respect local residents and leave the premises quietly shall be displayed at each exit.
- (16) Outside of Licensing hours all alcohol shall be covered by an opaque curtain obscuring the view of the alcohol thereby removing it from sale.
- (17) No beer, lager or cider with an ABV of above 6.5% shall be sold at the premises, except for 'premium' product lines pre-agreed in writing with the Police and an RBG Licensing Officer in advance of such product being stocked. Copies of the written permission issued for the agreed 'premium' lines shall be kept at the premises and made available on request to the police and other officers of responsible authorities.

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 as set out as follows:

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
3. -
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. -

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula: $P=D+(D \times V)$; where –
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) -

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The Sub Committee’s decision was based on issues raised concerning the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee heard from the applicant who outlined that this was a simple off-sales application where the business was being expanded to take every opportunity to develop their offering to customers.

The applicant pointed out that they had accepted the conditions proposed by the Police and Trading Standards and when asked accepted the condition proposed by the Police in respect of beer, lager and cider with an ABV of above 6.5%.

The applicant pointed out that no residents had attended or made a representation in their own right despite a letter drop having taken place to 300 premises. The only objectors present were the adjoining business who stood to lose some of their trade to this new business venture, and the Ward Councillor. The Sub-Committee were invited to place little weight on the petition.

Ward Councillor Averil Lekau who represented local residents confirmed that she was content with the representation made by the applicant.

Barry Craig representing the adjoining business at 7-9 Arnott Close stated that since 5 Arnott Close had been granted a licence there had been issues in respect of crime and disorder and public nuisance with children asking customers to make proxy sales of cigarettes and alcohol and drug taking. Mr Craig was of the opinion that the problems in respect of crime and disorder would increase should a licence be granted.

The Sub-Committee in resolving to grant the licence were of the view that the comprehensive set of conditions volunteered by the applicant would ensure that the licensing objectives could be upheld.

The Chair announced that should the applicant or those making representations be aggrieved by the Council’s decision, they had the right to appeal to the Magistrates Court. Such an appeal must be submitted to the Magistrates Court within 21 days of the date from when the appeal period is deemed to have

started, which will be stated in the cover email or letter to the Notice of Decision.

The meeting closed at 7.47 pm

Chair