

**ROYAL BOROUGH OF GREENWICH
LICENSING REVIEW SUB-COMMITTEE**

B

13 NOVEMBER 2023 AT 18.30PM

MINUTES

PRESENT:

Members:

Councillor Jit Ranabhat (Chair), Councillor Pat Greenwell and Councillor Sam Littlewood

Officers

Solicitor (Prosecutions & Licensing), Licensing Officer and Committee Services Officer

**Item
No.**

- 1 Apologies for Absence**
No apologies received.
- 2 Urgent Business**
There was no urgent business.
- 3 Declaration of Interests**

Resolved –

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

4 Abivino (Premier Express), Banning Street, SE10

In attendance -

Applicant

Abivino Limited

Gill Sherratt (Legal Rep)

Making representation:

Cllr Maisie
Richards Cottell

Alain Lodge (Public
Health)

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

The Sub-Committee considered an application made by Abivino Limited in respect of River Gardens (Premier Express), Unit 2 River Gardens, Banning Street, Greenwich SE10 0NZ.

The Licensing Officer gave an illustrated introduction to the report.

The Applicant Legal rep gave a brief history of the applicant where she expressed the applicants interest to open a convenience store which will be managed by him and his family. She stated that the applicant already owns a shop since 2019 in Abbeywood which has sold alcohol to the locals without any complaints. She also added they have never had any cause to call the police or failed a test purchase.

The Legal Counsel pointed out that premises is part of a new block which is unoccupied as the applicant is waiting for the licence to be granted before opening. Additionally, she stated that when the shop opens alcohol will form a small part of the product been sold, as the shop will be providing other products such fresh food, coffee, sandwiches, and toiletries.

In addressing the licensing objectives, the Legal Counsel stated the applicant has installed 16 to 20 cameras in and around the premises, implemented an electronic till and a refusal register to manage and control the sale of items. This is essential for all partners of Premier as they expect their client to meet expectations. They do this by providing support to partnership business like the applicant in the form of an area account manager and arrange training activities with Licensing Matters.

Relating to cheap alcohol the Legal Counsel emphasized that there will not be any, as the applicant supplies will be sourced directly from Premier which is known to provide high quality products that meets standards.

In relation to recruiting staff, the applicant plans to employ 4 full timers from the local area once they have a firm grasp of the business environment. The training manual which came directly from Licensing matters will be used in training staff in accordance with the licensing objectives.

Regarding the change in operating hours, she added it is not an unusual demand as the increase in operating hours is a common request for business that tend to compete. Additionally, the granting of extra hour would aid the applicant provide service to customers who want to pass by before or late after work.

The Legal Counsel concluded her presentation by saying she understands the concerns of the residents but the applicants good record, experience, and knowledge from opening and operating similar businesses only proves he will be successful and comply to the licensing objectives when granted. She also

drew the Sub-Committees attention the absence of evidence to back the concerns to justify the imposing of new conditions.

In response to questions from the Sub-Committee Legal Counsel repeated the remarks she made in her presentation.

An officer from the Public Health Alain Lodge referred the members to Appendix C where he indicated that the area in question has a higher than average rate of antisocial behaviour. He argued that its necessary to reduce the risk of antisocial behaviour by limiting strength and the access to alcohol in such areas. He stated that with the information available the basic approach of the Public Health is to prevent any risk that supports antisocial behaviour rather than dealing with any issue that may arise afterwards.

In response to questions from the Sub-Committee the Public Health officer repeated the remarks he made in his presentation emphasizing on the need to avoid risk that promotes antisocial behaviour.

Cllr Maisie Richards Cottell representing a resident supported the claims of the Public Health officer. She stated that there is a general anxiety about increase access to alcohol in the area. Residents have expressed concerns as there are children in the area and granting a licence to another shop that sells alcohol will add to the cumulative impact of other businesses selling alcohol in the area.

The Chair informed those present that the Sub-Committee will deliberate in private, with the legal advisor and committee clerk present, after the closure of the hearing, and that the full decision notice will be sent out within 5 working days.

The Sub-Committee with the Solicitor (Prosecutions and Licensing), and Committee Services Officer withdrew to allow the Sub-Committee to deliberate at 11:34 am. The decision of the Sub-Committee was communicated to all parties after deliberation.

In reaching its decision the Licensing Sub-Committee (“LSC”) considered the Council’s Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, the Guidance issued by the Secretary of State under S.182 of

that Act and the Human Rights Act 1988. In discharging its functions, the LSC 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 written representations, evidence, and oral submissions, the LSC resolved that the application was granted subject to conditions.

Licensing Officer Steve McNally gave an overview of the application.

Basis of Decision

The LSC considered representations from Gill Sherratt and Thiyakarasa Sugantharasan

on behalf of the applicant Abvino Limited.

Gill Sherratt advised the LSC that the business would be managed by Thiyakarasa Sugantharasan

and his will with wife and cousin.

It will be a convenience store and not off licence type of business.

Abvino Limited operate a similar business in Abbey Wood with no problems.

The premises is a new block at currently unoccupied.

There will be 16 – 20 cameras inside and outside.

The Premier Express name will be on the shop, and they have high expectations of people with Premier name above their door. They support and expect responsible trading.

There will be no cheap alcohol. Booker is the overall company and will use wholesale prices.

Nathan's cousin and wife have personal licences.

Gill Sherratt referred to the details of a training document which was provided during the hearing. The training will be by eLearning.

Staff will receive 6-month refresher training.

Objections

Representations were heard Councillor Maisie Richards Cottell on behalf of an anonymous resident. This objection pleaded the Prevention of Public Nuisance and Prevention of Crime and Disorder objectives.

Councillor Maisie Richards Cottell referred to general anxiety as resulting from increased access to alcohol in area.

There was an above average ASB and crime in area and there was considered to be an anxiety in respect of people walking home at night.

There were playgrounds and nurseries close by. Increased alcohol availability in the summer may cause people to sit on the river and there were already several stores nearby.

Written objections via email were considered from 13 residents who submitted. These residents did not attend.

This is made up of 8 solo residents and 5 objections signed by a pair of residents.

These objections pleaded all licensing objectives.

They referred to there being other similar types of premises nearby, over development of the area, and increases in ASB and crime.

The LSC heard objections from Alain Lodge – Senior Public Health Manager refers to the Alcohol Harms Dashboard. This objection pleaded all objectives.

Alain Lodge suggests the hours for sale and supply of alcohol (to be consumed off the premises only) should be from 08:00 hours until 23:00 hours from Monday to Saturday and 10:00 hours until 23:00 on Sunday.

Alain Lodge also suggested a condition that there shall be no sale beer, lager or cider products with an ABV of 6.5% or above, with the exception of 'premium' or 'craft' products pre-agreed in writing

Alain Lodge referred to the Alcohol Harms Dashboard and information in Appendix C of the agenda.

Prevention of Crime and Disorder

The LSC considered 4.6 – 4.20 of the Policy and S.182 guidance (effective from August 2023) at page 10 paragraph 2.1 which states that licensing authorities should look to the police as the main source of advice on crime and disorder.

The LSC also considered paragraph 4.15 of the Policy. It was not considered that a condition that there shall be no sale beer, lager or cider products with

an ABV of 6.5% or above, with the exception of 'premium' or 'craft' products pre-agreed in writing, dovetailed with this objective.

Paragraph 4.15 of the Policy referred to the Prevention of Crime and Disorder objective and the LSC considered that because the S.182 guidance at page 10 paragraph 2.1 which states that licensing authorities should look to the police as the main source of advice on crime and disorder. There were no representations from the police.

It was not therefore considered that this objective was undermined by the opening hours in the application.

It was not considered that the restriction in opening hours from 08:00 hours until 23:00 hours from Monday to Saturday and 10:00 hours until 23:00 on Sunday was required to meet this objective.

There were no representations from the police. There was another premises in the area with opening hours from 06:00 with no evidence that this had undermined this objective,

The LSC considered this objective was met.

Prevention of Public Nuisance

The LSC in considered 4.29 - 4.36 of the Policy and S.182 guidance (effective from August 2023) at pages 9 – 10 and paragraphs 2.20-2.26.

It was not considered that the objectives would be undermined by the application. This was for reasons similar to those in the Prevention of Crime and Disorder objective.

The LSC considered this objective not met.

Public Safety

The LSC in considered 4.21 - 4.28 of the Policy and S.182 guidance (effective from August 2023) at pages 7 – 9 and paragraphs 2.7 – 2.14.

It was not considered that the objectives would be undermined by the application. This was for reasons similar to those in the Prevention of Crime and Disorder objective.

The LSC considered this objective not met.

Protection of Children from Harm

The LSC in considered 4.38 - 4.49 of the Policy and S.182 guidance (effective from August 2023) at pages 10 – 12 and paragraphs 2.27 – 2.36.

It was not considered that the objectives would be undermined by the application.

The LSC considered there was insufficient evidence in the representation which identified any factors which would not meet this objective.

The LSC considered this objective was met.

The LSC determined to grant the application subject to the following conditions:

1. A comprehensive CCTV system shall be installed, in operation and fully maintained at the premises with recorded images being retained for thirty-one (31) days
2. Images from the CCTV shall be provided to the Police and other Responsible Authorities as soon as practicable and, in any case, within 48 hours of a request for such images, subject to the provisions of the Data Protection Act.
3. An Incident Log shall be kept at the premises and made available on request to the Police or authorised officers of the local authority (as defined by Section 13, Licensing Act 2003).
4. The Challenge 25/Think 25 proof of age scheme shall be operated at the premises. All customers who appear to staff to be 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.
5. All staff involved in the sale or supply of alcohol shall be trained, as part of their induction, in the responsible sale of alcohol. Such training will include challenging every individual who appears to staff to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of ID and using the Incident Log. This training (including any refresher training) will be recorded in a Training Log, which shall be kept on the premises and made available for inspection on request of a Police Officer or an authorised Officer of a Responsible Authority and shall be repeated at least every twelve (12) months.

6. A register shall be maintained at the premises detailing the refusals to sell alcohol. This register shall be made available for inspection on request of a Police Officer or an authorised Officer of a Responsible Authority
7. Signage shall be displayed conspicuously on the premises in customer facing areas to advise customers that suitable proof of age documentation will be required for all purchasers who appear to staff to be under 25.

Any party aggrieved by this decision may appeal to the magistrates' court within 21 days.

The meeting closed at 11:55am

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ROYAL BOROUGH OF GREENWICH
LICENSING SUB-COMMITTEE B
WEDNESDAY, 17 APRIL 2024 AT 6.30PM
MINUTES

PRESENT:

Members:

Councillors Jit Ranabhat (Chair), Cathy Dowse and Sam Littlewood

Officers

Prosecution Lawyer (Prosecutions & Licensing), Licensing Lead Officer and
Committee Services Officer

Item

No.

1. Apologies for Absence

There were no apologies for absence.

2. **Urgent Business**

There were no items of urgent business.

3. **Declarations of Interests**

Resolved -

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

4. Shaanis Traders Limited, 10-12 Charlton Church Lane, London SE7 7AE

In attendance:

Applicant:

Crossman –Agent

Darryl

Akmal Hussein

Making representation:

Police)

PC Sam Bobb (Met.

Cenred Elworthy (Trading Standards)

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

The Sub-Committee considered an application made by Akmal Hussein for the grant of a premises licence in respect of Shaanis Traders Limited, 10-12 Charlton Church Lane, London SE7 7AE.

The Licensing Lead Officer gave an illustrated introduction to the report.

As Members had no questions for the Licensing Officer, the applicants' agent, Darryl Crossman proceeded to address the LSC. The agent indicated that the application is for the sale and supply of alcohol from 10am to 10pm daily with Sunday sales conducted from 10am. to 8pm. He gave a summary of the history of the applicant and indicated that the license is for a convenience concession

which operates within the post office. The agent explained that prior to this application the concession has sold tobacco, Lottery and other age sensitive products without incident. He assured the LSC that the addition of alcohol to their product been supplied, will be provided with the same level of dedication the community have come to expect from the post office.

The agent pointed out to the LSC that the addition of the alcohol will contribute to enhancing the current convenience store offerings and elevate them to a position to compete with other businesses in the area. He pointed out to the LSC that the licensed premises in the area have held a monopoly on the sale of alcohol which is reflected in the objections made against granting the requested license.

The agent stated that business is not within the community Impact Zone and therefore the addition of another premises would not affect the licensing objectives or cause any issues relating to Crime and disorder.

The agent assured the LSC that the operations of the business will not impact services currently offered by the post office. He indicated that among the document submitted is a petition by 127 customers that visited the post office over a period of time (2weeks), as well as the postmaster expressing their support for the license to be granted.

The agent explained to the LSC that the applicant is well trained and has been successful in applying for a personal license to sell alcohol. In his submission the agent stated that records of the applicants' accreditations and certifications are available as they confirm that, the applicant is well trained and understands what the licensing act requires of him.

The agent explained that applicant is not only ready to commit to licensing objectives but is also willing to support the RBG reduce the strength campaign

by not selling alcoholic beverages above six and half percent and not before 10am. He added that the applicant is willing to uphold the challenge 25 condition and always make provision for a refusal log.

The agent indicated to LSC that it is the vision and intention of the applicant to also train new employees to the same level and enable them to attain the required qualification in future.

In addressing the objections made by both the police and trading standards, he stated that the objections made by the mention authorities is not directly against the granting of the license but against the applicant acting as the DPS for the premises. He added that the police contradict their objection of having no confidence as they showed no objection to applicant selling alcohol and have also not objected to his personal license.

Regarding Trading standards, the agent pointed out to the LSC that their objection is based on a failed test purchased at a business which the applicant was employed at. He added that on the day of the test purchase the applicant was not present. Referring to his submissions, the agent mention that the applicant was merely an employee at the said premises where the test purchase was conducted. The agent explained to the LSC that, the applicant was also not responsible for training or recruiting staff as he was not the DPS at the premises.

The agent pointed out to the LSC that though trading standards have alleged that the applicant was a manager at his previous workplace, neither Trading standards or the police have ever met or engaged the applicant regarding the failed test purchase. The agent indicated that the authority's failure to ask for the applicants' version of the incident prior to their submission, continues to

tarnish the image of the applicant. This is evident in the representations received from the residents.

In addressing the objections from residents, the applicant stated that 2 of the objections received are contradicting as they are from licensed premises that contribute to excessive drinking and exposure to alcohol in the community. The agent stated that these objectors' own businesses that sell alcoholic beverages above the six and a half percent and before 10am.

The agent advised the LSC that the objections presented are repetitive as they were raised in regard to the incident involving the premises where he was previously employed. These objections claim the applicant was caught selling vapes to minors, an allegation which the applicant claims to be incorrect because he was not present. He added these allegations continue to damage his reputation as they are based on statements passed by Trading Standard and the Police.

Furthermore, the agent appealed to the LSC to ignore the objections relating to the irresponsible supply of alcohol. He explained that it would be wrong for a responsible establishment such as the post office to associate itself with an organisation known for that purpose. The agent assured the LSC there is no need for concern, as the 2 picture documents submitted serves as evidence of the peaceful atmosphere around the premises and the absence of street drinkers or gatherings that promote anti-social behaviour.

In responds to question from the LSC the agent reiterated the points he mentioned during his presentation and added that the applicant had no licenses prior to the failed test purchase. However, after leaving his previous job he applied and attained his personal licenses to sell alcohol through the council without any objections.

In responds to questions from the LSC in regard to their objections, the representative of the Police expressed their concerns on the applicant credibility to oversee the sale and distribution of alcohol as well as tobacco products. He also added that the Police was informed that the applicant was left in control of the premises where the failed test purchase was conducted.

The representative from the Trading Standard supported the claims of the Police by giving the LSC a brief overview of the failed test purchase. He indicated their investigations after the Failed test purchase showed that the applicant was responsible for managing the business though he was not present when the test purchase was made. He added that even though the test purchase consisted of a vape and not alcohol, it proves there is a lack of effective training as the seller had no idea of the location of the refusal register. The officer mention to the LSC that they interviewed the previous employer of the applicant, who indicated to the officers that applicant let some one else who he didn't know manage the shop in his absence on the day the failed test purchase was conducted.

The officer also debunked the claims of the existence of a monopoly and pointed out to the LSC that photo submission made by the applicant does not accurately reflect the claims made by the applicant that there are no gathering or antisocial behaviours around the premises.

In responds to questions from the LSC, the officer reiterated the points previously raised. Without any further question, the LSC was addressed by the objectors of the application. In their presentation the objectors stated that noise nuisance, loitering and unauthorized gathering are vices associated with poorly managed businesses that sell alcohol. They also indicated to the LSC that the applicant is known for selling vapes to minors and has failed in

observing the licensing conditions at the business where he was previously employed as the manager.

In response to the submission made by the objectors, the agent of the applicant reiterated the point he made during his presentation. The applicant also enlightened the LSC on the nature of his work schedule with his previous owner. He also added that the accusation made against him by the objectors are false and it was not in his responsibility to recruit or manage employees. In response to questions from the objectors about the CCTV in the premises. The officer from training standard stated that they approached the current occupiers of the premises who claimed there was no CCTV as it was removed by the previous owners.

The agent of the applicant urged the LSC to approve the application as that the applicant is committed to upholding the licensing

The Chair informed those present that the Sub-Committee will deliberate in private, with the legal advisor and committee clerk present, after the closure of the hearing, and that the full decision notice will be sent out within 5 working days.

The Sub-Committee with the Solicitor (Prosecutions and Licensing), and Committee Services Officer withdrew to allow the Sub-Committee to deliberate. The decision of the Sub-Committee was communicated to all parties after deliberation.

In reaching its decision, the Licensing Sub-Committee (“LSC”) considered the Council’s Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the Guidance issued by the Secretary of State under

S.182 of that Act. In discharging its functions, the LSC 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 written representations, evidence, and oral submissions, the LSC resolved not to grant a premises licence.

Basis of Decision

The LSC received submissions from the Applicant's representative and gave due weight to the submissions including the documents submitted late for the hearing. In particular, the LSC noted the submissions regarding other traders objecting to the application and hours for sale of alcohol for those premises. The LSC noted the petition signed by those supporting the application, and the character reference from the postmaster, and gave it low weight regarding the 4 licensing objectives. The LSC noted the conditions offered by the Applicant subject to which a premises licence could be granted. The LSC further noted the submission that the police had not objected to Akmal Hussain, the sole director of the Applicant company holding a Personal Licence. The LSC noted the submissions for the Applicant regarding who was the Premises licence holder, DPS, and manager of the business at 22 Charlton Church Lane, and that Akmal Hussain was simply an employee of the business and had not managerial control.

In reaching its decision the LSC were fully aware that the premises are not located within a Cumulative Impact Area.

The LSC gave proper and due weight to the representation and submissions from Trading Standards. Trading Standards had undertaken test purchases for underage sales in the vicinity having received complaints of sales to children. Of

the 4 underage test purchases conducted in Charlton Church Lane in January 2024, the only failed underage sale was at 22 Charlton Church Lane where Akmal Hussain was working. The LSC noted the submission that the applicant's representative, Mr Crossman, was also the representative for the business operator at 22 Charlton Church Lane, a Mr Younus, and whether Akmal Hussain was running that business on a daily basis.

The LSC having received submissions from residents including those operating businesses and selling alcohol in the vicinity, and having heard directly from Akmal Hussain, were satisfied that he was working in the premises undertaking 2 daily shifts of 4 hours, the first starting at 6am, from Monday to Saturday. The LSC were satisfied that the business owner and licence holder of 22 Charlton Church Lane was not present in the premises on a daily basis and that it was Akmal Hussain in de facto running the premises. Akmal Hussain himself stated he was responsible when he was working at 22 Charlton Church Lane. The LSC were satisfied that the submissions from those operating businesses in Charlton Church Lane directly and genuinely related to protection of children from harm, and prevention of crime. There was clear evidence of underage sales of vapes and tobacco related products being sold to children at 22 Charlton Church Lane and Akmal Hussain's complicity in those underage sales. Moreover, there was evidence regarding underage sales of vapes to children and the advertising of significantly discounted vapes, from and outside the premises at 10 - 12 Charlton Church Lane, where Akmal Hussain has been recently running his business.

The LSC were satisfied that to grant the premises licence would not promote the licensing objectives and specifically protection of children from harm and prevention of crime.

Any party aggrieved by this decision may appeal to the magistrates' court within 21 days.

The meeting closed at 8:45pm

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