

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 3.00 P.M. ON TUESDAY, 19 MARCH 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Victoria Obaze

Officers Present:

Corinne Holland

– (Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Democratic Services)

Representing applicants	Item Number	Role
PC Thomas Ratican	3.1	(Metropolitan Police)
Mohshin Ali	3.1	(Senior Licensing Officer)
Kevin Maple	3.1	(Trading Standards Officer)

Representing objectors	Item Number	Role
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None present

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for TSB News 77 Vallance Road London E1 5BS

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for TSB News, 77 Vallance Road, London E1 5BS. It was noted that the review had been triggered by the Metropolitan Police and supported by the Licensing Authority and Trading Standards.

It was noted that the Premises Licence Holder or a Representative of TSB News was not present at the meeting.

The Chair adjourned the meeting at 3.10pm to seek advice from the Legal Officer and the Democratic Services Officer.

The Chair reconvened the meeting at 3.15pm.

The Sub Committee were advised that the Premise Licence Holder/or any representative acting on behalf of Premise Licence Holder was not present at the meeting. It was noted that the notification letter was sent to the Premises Licence Holder (PLH) 10 working days before the meeting via 1st class post, a telephone call was also made to the PLH informing him of the date, time and venue of the meeting which was noted by the PLH on the phone at the time. The agenda was also sent 5 working days before the meeting via 1st class post. Despite these correspondences no communication was made by the PLH, a further telephone call was made by Democratic Services on the day of the meeting, to which Mr Patel a representative of the PLH said that they were short staffed and would try and send someone to the meeting. It was noted that all other parties were present at the meeting.

Upon receiving this information, the Sub Committee decided to consider the application in the absence of the PLH, Members agreed that sufficient notification of the meeting had been given to the PLH and it was his responsibility to attend the meeting or send a representative.

At the request of the Chair, PC Thomas Ratican, representing the Metropolitan Police referred to the review application on pages 38-39 of the agenda and explained that the Police were reviewing the premises licence for TBS News due to serious and repeated failings regarding the premises selling alcohol to children.

It was noted that on 7th December 2018 Tower Hamlets Police cadets conducted a test purchase at the premises. One of the cadets who was 13 years of age at the time, was sold a can of Stella Beer and a bottle of WKD alcoholic drink. When asked by Police why he had not challenged the young person Mr Patel the person behind the counter replied 'I don't know'.

It was noted that there had been two other incidents, one on 21st March 2018, when PC Lambert was approached by the Acting Head of Green Spring Academy, Shoreditch, after a student had been found within the school under the influence of alcohol. On 24th November 2017 safeguarding staff at Oaklands Secondary School contacted PC Lambert as a female student had come in the school that morning drunk. Both students identified TSB News, 77 Vallence Road, London E1 5BS as where they had purchased the alcoholic drinks.

It was also noted that the student from Green Spring Academy had also said that the newsagent was very well known to all students in the area and has a reputation for selling anything.

PC Ratican explained that the premises had conditions that require it to operate a "Challenge 25 Policy", and to only accept photo ID as an acceptable proof of age. Yet despite having these two conditions, the premises had continually sold alcohol to children. PC Ratican stated that those selling the alcohol must have known they were selling to children as the students who turned up school drunk were in school uniform when they purchased the alcohol.

He concluded that there was no excuse for selling alcohol to a children in school uniforms, it demonstrated a total disregard for the safety and wellbeing of children. It showed a total lack of disregard for their obligations under the Licensing Act 2003 and the conditions on their licence. He said that the Police Licensing Unit were of the view that the only viable option to protect children from harm was to revoke the premise licence for TSB News.

Members then heard from Mr Kevin Maple, Trading Standards Officer, who referred to his representation on pages 64-66 of the agenda. He explained that one out of six test purchases conducted at the premises was a failed test purchase where there had been the sale of a tobacco product to a person underage.

He explained that in terms of statutory defence it was unlikely that the alleged offenders would be able to avail themselves of this as it is clear from what was witnessed on the day, the test purchaser was not asked his age or for ID and therefore no challenge 25 policy was being practised on the day despite this being a requirement of the responsible trader scheme to which they had signed up and there was no evidence of any recent entries in the refusals book kept on the premises. There was no due diligence in place at that time to prevent offence of this nature from taking place. Mr Maple concluded by stating that Trading Standards were supporting the Police's review for revocation of the licence.

Members also heard from Mr Mohshin Ali, Licensing Authority referred to his representation on pages 59-62 of the agenda and referred to visits that had been made at the premises. It was noted that the original licence was issued to Mr Suryakani Patel as the Premises Licence Holder and Designated Premises Supervisor and this has not changed since. He explained that breaches of the premise licence have occurred despite previous warnings and

reminders. Therefore Mr Ali, was in support of the Police's request for revocation of the premise licence.

In response to questions the following was noted;

- That a child the age of 16 was sold tobacco during a test purchase at the premises.
- That children claimed to have been sold alcohol on their way to school when in their school uniforms.
- That the premise was identified as TSB News from descriptions given by the students, such as the fact that the premises are opposite the Asda garage, next door to the bakery, the off licence on Vallance Road etc.
- It was confirmed that there was no other off licence on Vallance Road except TSB News.

Members adjourned the meeting at 3.50pm to deliberate and reconvened at 4.05pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

The Sub Committee were advised that the Premise Licence Holder/or any representative acting on behalf of Premise Licence Holder was not present at the meeting. It was noted that the notification letter was sent to the Premises Licence Holder (PLH) 10 working days before the meeting via 1st class post, a telephone call was also made to the PLH informing him of the date, time and venue of the meeting which was noted by the PLH on the phone at the time. The agenda was also sent 5 working days before the meeting via 1st class post. Despite these correspondences no communication was made by the PLH, a further telephone call was made by Democratic Services on the day of the meeting, to which Mr Patel a representative of the PLH said that they were short staffed and would try and send someone to the meeting. It was noted that all other parties were present at the meeting.

Upon receiving this information, the Sub Committee decided to consider the application in the absence of the PLH, Members agreed that sufficient

notification of the meeting had been given to the PLH and it was his responsibility to attend the meeting or send a representative.

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from PC Tom Ratican representing the Metropolitan Police as the Applicant and Officers from Responsible Authorities (Licensing Authority and Trading Standards) that had supported the review application with particular regard to the licensing objectives of the protection of children from harm.

The Sub Committee carefully considered all evidence before them and had no doubt that the premises had contravened the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and in particular the protection of children from harm.

Members were extremely concerned that there had been repeated breaches of licence conditions in particular the selling of alcohol to underage children. Members were of the opinion that their carelessness and complete disregard of notification of the meeting and non-attendance at the meeting demonstrated that the PLH had total disregard to rules and regulations.

In reaching their decision Members referred to the Guidance issued under Section 182 by the Home Office for reviews in particular section 11.29, review of a premises licence following persistent sales of alcohol to children. It was noted from the Police evidence that following a failed test purchase at TSB News on 7th December 2018, when asked by the Police why he had not challenged the young person, Mr Patel the person behind the counter replied 'I don't know'. The Sub Committee stressed that a PLH had a responsible role and must be aware of their responsibilities.

Members reached a decision and the decision was unanimous. Members granted the application for a revocation of the premises licence. The Sub Committee were not satisfied that the Premise Licence Holder would comply with any of the conditions relating to the responsible sale of alcohol, given the non-compliance with existing conditions on the licence following the failed test purchases in that the Sub-Committee was particularly mindful of the licensing objective of the protection of children from harm.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Review of the Premises Licence for TSB News, 77 Vallance Road, London E1 5BS be **GRANTED with the revocation of the premises licence.**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 4.10 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee