

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 27 SEPTEMBER 2016

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Dave Chesterton

Councillor Peter Golds

Councillor Denise Jones

Officers Present:

Kathy Driver – (Principal Licensing Officer)

Victoria Fowler – (Legal Services)

Antoinette Duhaney – (Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for a Premises Licence for (Select Convenience), Unit 2, New Festival Quarter, Upper North Street, London E14 6FY

In attendance

Applicant

Gill Sherratt, Licensing Matters - Applicants Representative

Jimmy Tun, Applicant and Designated Premises Supervisor

Cheryl Tun – Applicant's Wife

Objectors

Armando Veras Sepulveda

Nitesh Patel

Martin Schwitzener

Kathy Schroeder

Kathy Driver, Principal Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Select Convenience, Unit 2, New Festival Quarter, Upper North Street, E14 6FY. Mrs Driver highlighted the fact that no representations had been made by the Responsible Authorities. However representations had been made by St Matthias Community Centre, St Mary & St Joseph Catholic Church and local residents. Ms Driver also drew the Sub Committee's attention to the first agenda supplement which included third party submissions which an objector wished to use to support their oral representations to the Sub Committee. However these third party submissions should be disregarded as they were produced after the statutory consultation period had ended (pages 41 onwards).

Gill Sherratt addressed the meeting on behalf of the applicant and began by stating that she had concerns about written submissions included in the second agenda supplement alleging that the application before the Sub Committee was dishonest. She stated that the new store in Poplar would be a "Select Convenience" style shop selling a range of more than 4,000 products including alcohol. Although Conviviality Retail operated franchised off licences and convenience stores trading under four different brands, Ms Sherratt reiterated that a "Select Convenience" style store was proposed and that only 15-20% of stock available for purchase would be alcohol.

Ms Sherratt stated that she had consulted all the Responsible Authorities informally before the application was submitted and the applicant was willing to reduce the store opening times by an hour to 7am in accordance with advice from the Metropolitan Police. The Location of the premises close to schools and a church was not unique as licensed premises operated alongside schools and churches in communities across the Country.

Armando Veras Sepulveda, Nitesh Patel, Kathy Schroeder and Martin Schwitzener addressed the meeting opposing the application and raising the following concerns:

- Ms Sherratt's description of the proposed Select Convenience was contradicted by the registered company trademark which suggested that the main focus of the business was the sale of alcohol
- The location of the store was incompatible with a residential location with nearby schools, a church and a hostel which housed vulnerable people.
- The application form did not demonstrate how the licensing objectives would be met particularly in relation to the prevention of children from harm and there was potential for Anti-Social Behaviour, loitering, street drinking and public nuisance.
- There were already several other convenience stores within close proximity and the proposed store would compound existing problems with Anti-Social Behaviour and loitering in the area.

- There had been no informal consultation with residents before the application was submitted.
- The Church Green and nearby Park were well used by residents, especially families with young children. The proposed store would encourage loitering in communal areas and residents were concerned for their safety

In response to questions from Members it was noted, that;

- Alcohol would form 15 - 20% of goods for sale on the premises
- Although Conviviality Retail operated four separate Business Models, the Poplar Store would be based on the Select Convenience model.
- The applicant was willing to accept a condition limiting the amount of alcohol on sale.
- Some objectors had stated that the assurances given by the applicant's representative that a Select Convenience store was proposed, had addressed some of the concerns of residents.

Members adjourned the meeting at 7:50pm to deliberate in private.

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.

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Having considered all the written and oral representations from the applicant and objectors, on balance the Sub Committee accepted Ms Sherratt's confirmation that the premises would operate using the Select Convenience business model and that only 15-20% of the store's stock would be alcohol. Members were also satisfied that Ms Sherratt's clarification had provided some assurances to residents and addressed some of their concerns. However in view of the location of the premises, and the potential for crime and disorder and public nuisance, the Sub Committee was of the view that the sale of alcohol from 6am – 11pm would not uphold the licensing objectives.

Members then went on to consider what hours were appropriate for the sale of alcohol, having regard to the location of the premises, the hours proposed, proximity to other licensed premises and the adequacy of proposals to

address crime and disorder and public nuisance. Given the location of the premises, the Sub Committee felt that the proposed hours for the sale of alcohol were inappropriate. Furthermore, there were other licensed premises in close proximity selling alcohol.

The Sub Committee accepted the concerns of residents regarding the potential for Anti-Social Behaviour, crime and disorder and public nuisance and consequently considered it necessary and proportionate to add further conditions to the licence to assist the applicant in upholding the Licensing Objectives, specifically in respect of Crime and Disorder and Public Nuisance.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Select Convenience, Unit 2, New Festival Quarter, Upper North Street, E14 6FY, be **GRANTED** with conditions as set out below

Sale by retail of alcohol (off the premises)

- Daily from 08:00 hours to 22:00 hours

The Opening Hours of the Premises

- Daily from 06:00 hours to 23:00 hours

Conditions

1. There shall be no sales of alcohol for consumption on the premises and no taster sessions.
2. Alcohol may only be sold in sealed containers and no single cans of alcohol to be sold.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
4. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

5. An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
6. A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises.
7. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
8. A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.
9. The Designated Premises Supervisor, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, must be on the premises at all times when the premises are authorised to sell alcohol.
10. A maximum of 20% of the retail space should be devoted to alcohol sales.
11. A maximum of 20% of advertising space is to be devoted to advertising alcohol for sale.
12. Training record to be retained on the premises.

The meeting ended at 7.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee