

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 2.00 P.M. ON TUESDAY, 6 JUNE 2023
COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Shahaveer Shubo
Hussain
Councillor Peter Golds (Leader of the Conservative Group)

Apologies: There were no apologies for absence.

Others Present in Person:

PC Mark Perry

Others In Attendance Virtually:

Mr Harmon Singh Grover
Mr Panchal

Officers Present in Person:

Mr Alex Brander, Trading Standards
Ms Lavine Miller Johnson, Licensing Authority
Mr Jonathan Melnick, Principal Enforcement Lawyer
Ms Farzana Chowdhury, Democratic Services

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**4. APPLICATION TO REVIEW THE PREMISES LICENCE FOR WICKED FISH, QUEENS YARD WHITE POST LANE LONDON E9 5EN**

This hearing was adjourned.

5. APPLICATION TO REVIEW THE PREMISE LICENCE FOR MANNAT SUPERMARKET 493 ROMAN ROAD, LONDON, E3 5LX

The Sub-Committee considered an application by Alex Brander on behalf of Trading Standards for the review of the premises licence held by Harmon Singh Grover in respect of Mannat Supermarket, 493 Roman Road, London, E3 5LX (“the Premises”). The application followed a prosecution for an under-age sale of alcohol at the Premises. The application was supported by the Licensing Authority and the Metropolitan Police.

Mr. Brander spoke briefly to his application. On 19th August 2022 officers carried out a test purchase at the Premises. The test purchaser, aged 12 and 14, were sold a can of Gordon’s Pink Gin & Tonic by Mr. Grover. Mr. Grover was not only the premises licence holder; he was the DPS. No questions were asked by him at the time.

The test purchase also revealed other matters of concern. The statutory tobacco notice was not displayed. There was no refusal register, despite this being a condition of the licence. A Challenge 21 policy was required to be implemented and was not. At a later interview, Mr. Grover admitted that he had not read the conditions of the licence and did not know what Challenge 21 or 25 was. The requirement to display the tobacco notice had been brought to Mr. Grover’s attention on 17th August 2022. Mr. Brander also visited on 24th and 30th August 2022 and 14th September 2022. The statutory notice was not displayed on any of those occasions.

The premises licence had been transferred to Mr. Grover by an application dated 6th May 2022. The licence was sent to him in his name on 21st July 2022.

Mr. Grover, at interview, admitted at the time that he had doubts but claimed to have made the sale as the shop was busy and he was on his own.

Mr. Brander asked the Sub-Committee to revoke the premises licence..He had considered measures short of revocation but had no faith that Mr. Grover would comply with any conditions imposed in the future, were the Sub-Committee to impose them. Similarly, he was not aware that there was anyone else who was able to take over as DPS.

PC Perry and Lavine Miller-Johnson supported the review application. They had no additional information for the Sub-Committee but expressed their lack

of faith in the ability and willingness of the licence holder to comply with the licensing objectives.

PC Perry reminded the Sub-Committee of the s.182 Guidance, paragraph 11.27, which reminds authorities that under-age sales should be treated very seriously, and that 11.28 indicates that revocation could be an option even at first instance. He expressed concern that Mr. Grover would have made other sales. He considered there a risk that sales would be made regardless, especially given that Mr. Grover was already trained, given that he was a personal licence holder. He didn't think there were any steps short of revocation that the Sub-Committee could take.

Ms. Miller-Johnson echoed the other officers' concerns. She informed the Sub-Committee that the sale took place during the All-Points East festival, and so it was a matter of particular concern that the sale took place during this time, with the obvious risk that it was not the only under-age sale.

Mr. Panchal addressed the Sub-Committee on behalf of the licence holder. Since the sale took place, they had trained Mr. Grover. A refusals book had been given and implemented and a Challenge 25 policy was now in place. It was said that Mr. Grover had been refusing sales in the past.

Mr. Panchal was satisfied that Mr. Grover now fully understood and was aware of his duty to comply with any licence conditions and to uphold the licensing objectives. He had done all that he possibly could do now to rectify the mistake and prevent a future occurrence. Rather than revoking, he took the view that the Sub-Committee could deal with the application by removing Mr. Grover as DPS, imposing additional conditions and amending some of the existing conditions, and imposing a period of suspension so as to reinforce the consequences of under-age sales.

During questions from Members, Mr. Panchal suggested that a one-month suspension would be appropriate. During that time they would give Mr. Grover further training and arrange for a new DPS.

Mr. Panchal confirmed that Mr. Grover obtained his personal licence in January 2020. Challenge 25 would be implemented and posters to that effect were already displayed. These had been seen by Trading Standards Officer Kristian Dalley at a visit in February 2023.

The Sub-Committee asked how they could have confidence that under-age sales would not occur in the future. Mr. Panchal said Mr. Grover always asked for proof of age but on this day they were very busy. It was put to him that he ought to have been able to recognise a child nonetheless and, furthermore, the still photograph on Page 129 of the report pack showed only four people in the Premises, excluding Mr. Singh. Of those, two were the test purchasers and one was PC Perry. Mr. Panchal maintained this was a mistake and one that would not be repeated.

During concluding remarks, it was suggested that the number of refusals that had been logged since the incident was indicative of young people trying to

buy alcohol from the Premises and that there was thus a real risk of further sales. None of the responsible authorities changed their position as a result of what had been said.

The application engaged the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Sub-Committee did consider this incident to be a very serious concern and is aware that the s.182 Guidance, in various places, reminds authorities that under-age sales are to be treated very seriously.

The Sub-Committee heard and entirely understood the concerns of the responsible authorities and considered their lack of confidence in the licence holder to be entirely understandable. It was concerning to hear that a personal licence holder, who thus had been trained, did not know what Challenge 21 or 25 were. It was equally concerning that he had not, at any point from applying for a transfer of the premises licence to the date of the offence (a period of about three months) read the premises licence to familiarise himself with the conditions. The Sub-Committee did not accept the assertion that it was an honest mistake caused by the business being busy. It may well have been a busy day, but the shop was not busy at the time of the sale.

However, the Sub-Committee also heard that Mr. Grover had made full admissions at his interview and had taken steps subsequently to ensure that sales were not made in the future. He had engaged a training consultant and had been given further training. A Trading Standards Officer had visited the Premises in February 2023 and there were no issues of concern albeit that the Sub-Committee understands that this was not a test purchasing exercise. Whilst the Sub-Committee considers it could infer the possibility of other under-age sales in the past, it could not be sure. More importantly, it could not be sure that any had been made since.

Furthermore, the refusals log, if taken at face value, showed the lesson had been learned. Whilst it was said that the number of refusals gave rise to a greater risk of a future sales, it could also be said that it showed that there would be no further under-age sales. The Sub-Committee notes that it has not seen the log and it may well contain refusals that are not related to age. The Sub-Committee took account of the fact that Mr. Grover had also been punished for the offences by way of a prosecution.

The Sub-Committee carefully considered the options open to it. Doing nothing was not an option. Removing a licensable activity from the scope of the licence would be tantamount to revocation, as the licence permitted only the sale of alcohol. The options therefore came down to:

- imposing additional conditions and/or modifying the licence conditions;
- removing the DPS;
- suspending the licence,

or a combination of the above. If none of those individually or collectively would suffice, then revocation would be the only realistic option.

The Sub-Committee found that it could conclude that measures short of revocation would suffice to promote the licensing objectives. Primarily, the Sub-Committee considered that the steps taken to date did demonstrate a willingness to avoid future occurrences. Removal of the DPS so that there was or ought to be greater oversight of alcohol sales, additional conditions and modification of the existing conditions, and a suspension of the licence for one month so as to allow these changes to be made and to “bed in” as well as to act as a deterrent to Mr. Grover, was appropriate and proportionate to promote the licensing objectives.

The Sub-Committee expects Mr. Grover to understand that this is a first and last chance; whilst we cannot bind any future Sub-Committee to a particular course of action, in the event of future problems this decision is likely to be part of the documentation before that Sub-Committee and will be given appropriate weight.

The decision of the Sub-Committee is therefore to suspend the premises licence for a period of one month, to remove Mr. Harmon Singh Grover as the DPS, and to modify the conditions of the licence as set out below:

1. Conditions 9 and 10 of Annex 2 are deleted.
2. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. Signs informing of the Challenge 25 policy are to be displayed prominently at the premises.
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open. The record should be completed as soon as practicable after refusal and, in any event, within 24 hours of refusal. The refusal log must be reviewed and signed off by the DPS on a weekly basis.
5. All staff, including the licence holder, whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every three months thereafter. This training shall be recorded. The records must be signed by the staff member and the trainer and, where appropriate, by the DPS. The records are to be kept on the premises and made available on request to the Police or any authorised officer. The training is to include:
 - a) the operation of the Challenge 25 scheme;
 - b) types of acceptable ID;
 - c) the method of recording challenges;
 - d) the likely consequences of making an underage sale;
 - e) refusing sales to persons who appear to be drunk;
 - f) proxy sales.

6. A personal licence holder shall be on duty at the premises at all times that they are open and licensable activity is taking place.

6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR BOAT LIVE, AT 90 WHITE POST LANE E9 5EN - WITHDRAWN

This application was withdrawn.

7. APPLICATION FOR TEMPORARY EVENT NOTICE FOR UNIT 8 29 WHITEPOST LANE, LONDON E9 5EN - WITHDRAWN

This application was withdrawn.

8. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Griff In SU, The Garrod Building Turner Street E1 2AD 6th June

The meeting ended at 3.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee