

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 20 JULY 2010

**COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)

Councillor Kabir Ahmed
Councillor Amy Whitelock

Officers Present:

Mohshin Ali – (Acting Senior Licensing Officer)
Paul Greeno – (Senior Advocate)
Kerry Muré – (Senior Lawyer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

Jane Burke - (Metropolitan Police)
Matthew Clark - (HRMC Customs & Excise)

Objectors In Attendance:

Habib Altun - (Virginia Supermarket)

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure of the meeting.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Kabir Ahmed declared a personal in agenda item 5.1, Application for a review of the premises licence for Virginia Supermarket, Virginia Road, London E2 7NF on the basis that the premise was in his ward.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The unrestricted minutes of the Licensing Sub Committees held on 15th June, 24th June and 29th June were agreed as a correct record of the proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application to Review the Premises Licence for Virginia Supermarket, 59 Virginia Road, London E2 7NF (LSC 13/011)

At the request of the Chair, Mr Mohshin Ali, Acting Senior Licensing Officer, introduced the report which detailed the review application for Virginia Supermarket, Virginia Road, London E2 7NF. It was noted that the review had been triggered by the Metropolitan Police.

At the request of the Chair, Jane Burke, Metropolitan Police explained that on the 19th January 2010 Police Officers together with HRMC Customs Officers and Trading Standards conducted a joint operation targeting licensed premises in the borough. She explained that Virginia Supermarket was one of the premises identified for a visit. She explained that an examination of the alcohol on sale at the premises revealed that a total of 2.1 litres of spirits did not display the required UK duty stamp. This meant that the duty had not been paid on the alcohol and that it had either been smuggled into the country illegally or not brought from an official source. It was also found that there were 119.25 litres of wine for sale at the premises at a price where the shop would have been unable to sell it at a profit. The goods were seized and a seizure information notice was issued, giving the premise license holders the opportunity to be able to reclaim the goods if they could produce proof that the alcohol was purchased legitimately and that taxes had been paid. This was to be done a within a certain period of time, however this had not been done. The total amount of duty and VAT evaded has been calculated as £332.44.

Mr Matthew Clark, Customs Officer referred to his statement on page 49 of the agenda and explained that the bottles of Pernot were found to have counterfeit stamps, he also emphasised that the wines were on a special offer of 2 bottles for £6, a price where the shop could not be making a profit had duty been paid.

Ms Burke then referred Members to the DCMS guidance, where it stated that "there is a certain activity that may arise in connection with licensed premises, which the secretary of state considers should be treated particularly seriously, one of which is for the use of the licensed premises for the sale of smuggled tobacco and alcohol". Ms Burke concluded that taking into account the amount of goods seized they were asking that the premises license be suspended for a period of time.

At the request of the Chair, Mr Habib Altun, Premise License Holder referred to his statement on page 85 of the agenda and explained that between 16th

January and 5th February 2010 he had gone to visit his ill grandmother in Turkey. He explained that whilst he was away an alcohol supplier came into the shop and made a very good offer on the sale of wine, he explained that his brother accepted this offer and then put it on sale as a special offer. He explained that it emerged later that the offer was based on a failure to pay duty on the wine, he explained that it was a mistake made by his brother and apologised.

He explained that the Pernod which was also seized at the same time as the wine, had not been part of a cut price deal with the supplier. He explained that the HRMC believed this not to have duty stamp, however this was because the Pernod was purchased before the new arrangements were brought in for the requirement of duty stamps. It was noted that the Pernod was a slow mover and had been on the shelf for a very long time.

Mr Altun stated that he normally purchased alcohol and goods from big suppliers such as bestways cash and carry and imperials. He stated that it was a family run business and that his family depended on this income. He concluded that it was a mistake made by his brother and that if had been in the shop this would not have happened.

In response to Members' questions it was noted that it was his brother Ergin Altun, who is also the premise license holder who had purchased the drinks, it was also noted that the amount of goods seized was considerably lower than what had been found and seized from other premises elsewhere in the borough. Ms Burke confirmed that the premises had no history of any previous incidents concerning underage sales, anti-social behaviour etc and that this had been a one off incident.

In response to further questions Mr Altun explained that wine bottles did not display stamps on them and that's why it is often difficult to check whether duty has been paid or not. Mr Habib Altun stated that he was out of the country for approximately three weeks during which the incident occurred. It was noted that the Pernod bottles were old and may not have had stamps on them.

The Chair advised that the Sub Committee would at 6.58pm adjourn to consider the evidence presented. Members reconvened at 7.20pm. The Chair reported that;

Members had heard representations from PC Burke, Mr Matthew Clark and Mr Altun. Members were concerned the fact that it had been one of the Premises License Holder, who had overall control of the running of the premises, that had actually purchased the alcohol. Members accepted what the Customs Officer had said about the price the alcohol was sold at and therefore believed that this was done purely for financial gain.

Members noted that the premises had no record of any previous issues/problems. However, taking into consideration the DCMS guidance and the nature of the incident, it was considered necessary to suspend the premise licence for the promotion of the licensing objectives for the prevention of crime and disorder.

RESOLVED

That the review application for Virginia Supermarket, 59 Virginia Road, London E2 7NF be **GRANTED**, with the suspension of the sale of alcohol licence for a period of four weeks.

5.2 Application to Vary the Premises Licence for the Madison's Bar & Restaurant, Manhattan Building, Bow Quarter, Fairfield Road, London E3 2UJ (LSC 14/011)

The application was withdrawn by the applicant and therefore no longer required to be considered by the Licensing Sub Committee.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business that the Chair considered urgent.

The meeting ended at 7.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee