

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 SEPTEMBER 2010

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Amy Whitelock (Chair)

Councillor Carlo Gibbs

Councillor David Snowdon

Officers Present:

Thomas Doyle	- (Planning Enforcement Officer)
Kathy Driver	- (Acting Principal Licensing Officer)
Paul Greeno	- (Senior Advocate)
Derrick Harrington	- (Principal Environment Health Officer)
Simmi Yesmin	- (Senior Committee Officer)

Applicants In Attendance:

Andy Jackson	- (Metropolitan Police)
Jayasakila Baskaran	- (Favourite Chicken Ribs)
Jun Simon	- (Favourite Chicken Ribs)

Objectors In Attendance:

Humza Boyraz	- (Cornucopia Market)
David Dadds	- (Cornucopia Market)
Selcan Tekin	- (Cornucopia Market)
Ted Jeory	- (Resident)
Angus Harvey	- (Resident)
Edward Van Reenen	- (Resident)

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

There were no declarations of interests made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Cornucopia Market, 246 Tredegar Road, London E3 2GP (LSC 27/011)

At the request of the Chair, Ms Kathy Driver, Acting Principal Licensing Officer, introduced the report which detailed the application for a review of the premises license for Cornucopia Market, 246 Tredegar Road, London E3 2GP. It was noted that the review had been triggered by the Metropolitan Police. Ms Driver explained that there had been additional letters of support for the Premise Licence Holder, other than those in the agenda, however these were invalid due to lack of information. A supporting statement was tabled at the meeting on behalf of Hewison Street (South) Leaseholders Association which gave reference of the Premises License Holder's good practice and good character. Mr. Greeno confirmed that it was clear from this statement that it was made by residents who lived in the vicinity and therefore should have been included with the agenda papers.

At the request of the Chair, Mr Andy Jackson explained that the review related to a series of operations run jointly with Police, Trading Standards and HRMC Customs. It was noted that certain off licences were identified following a review of intelligence from all three agencies. The premise was visited on 21st April 2010, on entry to the premises, a total of 23 bottles of whiskey were found which displayed counterfeit duty stamps, further examination of the wine on sale revealed that there were 36 bottles of mixed wine which were non duty paid, and these were all seized. There had been no receipts produced for the goods at the time of seizure to prove that they were brought from a wholesaler. The owners were also given 28 days to produce the receipts for the goods seized, however this period had expired and the receipts have not yet been produced. It was noted that the goods seized amounted to total duty evaded of £214.00.

Mr Jackson referred Members to the DCMS guidance which stated that the sale of smuggled tobacco and alcohol should be treated particularly seriously. In this instance where there had been a smaller amount of smuggled goods, a suspension of the licence was sought and the length of suspension was to be decided by the Sub Committee and a suggestion for additional conditions to be imposed on the license was recommended in order to send a powerful message to the premises and to all other off licenses in the area.

At the request of the Chair, Mr David Dadds, Counsel for the Premises Licence Holder explained that these were allegations and not a matter of fact, he referred Members to the seizure notice which had been altered by the Customs Officer, to explain that the Customs Officer was unclear on what was counterfeit and what was not. It was noted that the shop was a successful business with a high turnover, and that alcohol amounted to 30% of its business. He then referred to a number of receipts from wholesalers justifying the counterfeit goods, he stated that all the receipts for the goods that had been seized were sent via recorded delivery to HRMC Customs, however could not confirm that this was received.

Mr. Dadds made an application for the press and public to be excluded for part of his presentation. Members considered the application and decided that it was in the public interest to exclude the press and public but only for that part of the presentation.

When the meeting reconvened with press and public allowed back in attendance, Mr. Dadds stated that the goods were brought from reputable wholesalers in good faith and noted that in some cases counterfeit goods could come from wholesalers themselves. Mr. Dadds concluded by explaining every application was different and should be considered on its own merits and that there were no grounds for suspension and if conditions are to be imposed then it had to be necessary and proportionate to do so.

In response to questions it was noted that the receipts produced were valid and on the balance of probabilities could account for the goods that were seized. Mr Jackson confirmed that the duty stamps were tested by UV lamp and numbers checked and found to be counterfeit. It was also accepted that there was always the possibility that counterfeit goods could be brought from wholesalers.

It was confirmed by Mr Jackson that the correct procedure was followed during the operation process. It was also confirmed that the receipts weren't available to hand during the time of seizure and Mr Dadds confirmed that receipts had been set to HRMC Customs within the 28 day period.

Mr Greeno, advised the Sub-Committee on the statutory process and gave guidance on the Licensing Act.

The Chair advised that the Sub Committee would at 7.40pm adjourn to consider the evidence presented. Members reconvened at 8.00pm. The Chair reported that;

Members accepted the fact that just because duty labels may be counterfeit, it did not mean goods themselves had been counterfeit. On balance it was accepted that the 23 bottles of whiskey had UK duty counterfeit labels, however from receipts supplied it was accepted that the goods came from reputable suppliers.

Due to the small numbers of items and what had been accepted on the supply of the goods. Members did not consider suspension of the license, however, did consider it necessary and proportionate to impose additional conditions.

RESOLVED

That the review application for Cornucopia Market, 246 Tredegar Road, London E3 2GP, be **GRANTED** with the following conditions;

Conditions

- 1) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - a. Sellers name and address
 - b. Sellers company details, if applicable
 - c. Sellers VAT details, if applicable
- 2) Copies of the documents referred to in 3) shall be made available within one (1) week to officers on request.
- 3) An appropriate device for checking the authenticity of duty stamps (such as an ultra-violet lamp) shall be installed on the premises and retained in working order.
- 4) The authenticity of the duty stamp on any goods shall be checked on receipt of those goods.
- 5) The premises licence holder shall inform the police in the event that they are sold counterfeit goods or goods with a fake duty stamp.

4.2 Application for New Premises Licence for Favourite Chicken Ribs, 255 Bethnal Green Road, London, E2 6AH (LSC 28/011)

At the request of the applicant and with agreement of all parties, Members **Adjourned** the consideration of the application. It was agreed that the application would be rescheduled for the Licensing Sub Committee meeting on 26 October 2010.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.20 p.m.

Chair, Councillor Amy Whitelock
Licensing Sub Committee