

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 26 OCTOBER 2010

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

Members Present:

Councillor Carlo Gibbs (Chair)

Councillor Rajib Ahmed
Councillor Amy Whitelock

Officers Present:

Paul Greeno – (Senior Advocate)
Nick Kemp – (Licensing Officer)
Simmi Yesmin – (Senior Committee Officer)

Applicants In Attendance:

PC Alan Cruickshank - (Metropolitan Police)
Mr Alan Richards - (Trading Standards)

Objectors In Attendance:

Mr Stephen Bartlet-Jones - (Low Cost Food & Wine)
Mr Shahidur Rahman - (Low Cost Food & Wine)
Mr Muhibur Rahman - (Low Cost Food & Wine)

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 interest made.

3. RULES OF PROCEDURE

The Rules of Procedures were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committees held on 31st August, 7th September, 14th September, 21st September and 30th September 2010 were agreed as a correct record of proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application to Review the Premises Licence for Low Cost Food and Wine, 367 Mile End Road, London E3 4QS (LSC 40/011)

At the request of the Chair, Mr Nick Kemp, Licensing Officer, introduced the report which detailed the review application for the premises license for Low Cost Food & Wine, 367 Mile End Road, London E3 4QS. It was noted that the review had been triggered by the Metropolitan Police and supported by Trading Standards.

At the request of the Chair, PC Alan Cruickshank, Metropolitan Police referred to his submission on page 64 of the agenda and 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 22nd April 2010, on entry to the premises, a total of 114 bottles of Glen's Vodka were found, which displayed counterfeit duty stamps. Further examination of the wine on sale revealed that there were 435 bottles (326.25 litres) of mixed wine which were non duty paid, these were then seized. There had been no receipts produced for the goods at the time the goods were seized and the goods seized amounted to total duty evaded of £733.85 plus VAT.

Mr Cruickshank referred Members to the DCMS guidance which stated that the sale of smuggled tobacco and alcohol should be treated particularly seriously. However he advised Members that having had discussions with the Premises License Holder, Mr Shahidur Rahman and his Counsel and taking into consideration the information regarding the wholesalers and the receipts produced by Mr Rahman to show the frequent purchases of alcohol which are made and the fact that having investigated the authenticity of the Glen's Vodka, and the help in identifying the problem, a agreement had been reached between parties to agree to a suspension of the alcohol license for a period of 12 days and various conditions to be imposed to prevent this from happening again.

Mr Stephen Bartlet-Jones, Counsel, accepted that Mr Rahman failed to keep receipts to prove purchase of goods and stated that the Police could disapprove Mr Rahman's version of events as he does not have any evidence, but there was no evidence to say that it was not true.

Mr Bartlet-Jones assured Members that Mr Rahman would follow strict guidelines and also ensure that double copies of receipts would be kept, that UV lamps had already been installed on the premises and that all stamps on alcohol are checked when purchased, and that he would be more vigilant on the types of products he purchased. Mr Bartlet-Jones emphasised that the conditions which had been recommend, meet the concerns raised by the Police and Trading Standards. He also urged Members to reduce the period of suspension on the basis that the premises had no complaints since it was opened in December 2005, had successfully refused underage sales, and the premises had support from local residents. He stated that the business was in need of protection as it was the only late night provider and it was also noted that alcohol contributed to 60% of its sales.

In response to questions it was noted that the receipts file for wines was damaged during a flood in the basement, it was also noted that not all the spirits were on the receipts provided by Mr Rahman and that the Police were investigating the Cash and Carry from where the alcohol was purchased.

The Chair advised that the Sub Committee would at 7.15pm adjourn to consider the evidence presented. The Members reconvened at 7.45pm. The Chair reported that;

Having heard representations from the Metropolitan Police and from the Premise License Holder and based on the evidence provided. Members felt that the possession of alcohol with counterfeit VAT labels and lack of evidence for the purchase of these goods warranted a punishment by suspension of the license.

Whilst the Sub Committee welcomed the agreement between the two parties with regard to the conditions set out. The Sub Committee felt that a suspension of seven days, taking into account the cooperation of the Licensee with the Police and his acceptance of a punishment, would be both fair and practicable, this also took into account the support of residents.

RESOLVED

That the review application for the premises license for Low Cost Food & Wine, 367 Mile End Road, London E3 4QS be **GRANTED** with the suspension of the sale of alcohol license for a period of seven days following receipt of the decision notice and with the following conditions;

Conditions

1. The Premises Licence Holder and any other persons responsible for the purchase of stock shall not purchase any goods (including but not limited to goods brought from door to door sellers) unless a valid receipt is supplied at the time of purchase.
2. The Premises Licence Holder shall ensure that all receipts for goods brought include the following details:

- a) the seller's name and address; and
 - b) the seller's company details, if applicable; and
 - c) the seller's VAT details, if applicable; and
 - d) the seller's vehicle registration number, if applicable.
3. The Premises Licence Holder shall provide receipts for all goods brought or held on the premises which shall be made available to Police Officers, Trading Standards Officers or HMRC Inspectors on request within one week.
 4. An appropriate device for checking the authenticity of duty stamps (such as a ultra-violet lamp) shall be installed on the premises and retained in working order.
 5. The authenticity of the duty stamp on any goods shall be checked on receipt of those goods.
 6. The Premises Licence Holder shall inform the police in the event that he or she becomes aware that the premises have been sold counterfeit goods or goods with a fake duty stamp.

5.2 Application for New Premises Licence for Favourite Chicken Ribs, 255 Bethnal Green Road, London, E2 6AH (LSC 41/011)

This item was withdrawn from the agenda.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Carlo Gibbs
Licensing Sub Committee