

BEFORE A LICENSING SUB-COMMITTEE OF
LONDON BOROUGH OF TOWER HAMLETS

The Premises at

117A Parnell Road, Old Ford, London, E3 2RT

SUMMARY OF PREMISES LICENCE APPLICANT'S SUBMISSIONS

v.22.06.2023

1. This is an application for a new premises licence, to enable the sale of alcohol to take place in a Convenience store for consumption off the premises.
2. The premises previously enjoyed the benefit a Premises Licence, however this was revoked on the 22nd March 2022, for failing to Protect Children from Harm. The premises made under age sales on three separate occasions.
3. On the 8th March 2020, cigarettes were sold to a 15 year old customer. On the 29th July 2021, cigarettes were sold to a 16 year old customer, and on the 13th December 2021 alcohol was sold to a 16 year old.
4. The Premises Licence holder at the time, Huq Neighbours Ltd, and the director of the company, Mr Huq, were prosecuted and fined for the incident on the 8th March 2021.

5. Huq Neighbours Ltd were prosecuted and fined for the other two incidents.
6. The new application is in the personal name of Monira Sirazum, who is the wife of Mr Huq.
7. The DPS of the premises is to be Mohammad Yasin, personal licence number 23/02294/LAPER, issued by the London Borough of Newham on the 24th April 2023.
8. Monira Sirazum, is the sole director of the company behind the application, which is Parnell Supermarket Ltd, company number 14725525.
9. The application received no objections from any interested party, however did receive three representations of support from interested parties residing in the area.
10. The application did however receive three objections from responsible authorities, namely, the Licensing Authority of Tower Hamlets, the Police, and Tower Hamlets Trading Standards team.
11. After extensive negotiation with the police, and after agreeing additional conditions to be added to operating schedule, the police withdrew their representation.
12. It would be helpful at this stage to list the conditions that were agreed with the police.
These conditons are as follows:
 - 12.1 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets 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 immediately upon the request of Police or authorised officer throughout the entire 31 day period.

12.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

12.3 An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

12.4 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.

12.5 All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every 6

months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training 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.

12.6 Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place.

13. In addition, there were a number of robust conditions offered in the operating

schedule, that the applicant would like to be included on the licence should it be granted.

14. These are as follows:

- a). All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
- b). CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- c). Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

- d). Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
- e). The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
- f). The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- g). An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- h). In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police immediately.
- i). All Spirits to be displayed behind the counter only.
- j). An incident record will be kept in a bound book, as will all refusals recorded. These books will be made available to the police and officer from the council on request.
- k). Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.
- l). All relevant fire procedures are in place for a premise of this size.
- m). Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties.

- n). Sufficient litter bins will be provided to allow the customers to deposit their waste/ rubbish in the correct manner.
- o). Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic IID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.
- p). Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme.
- q). A notice will be displayed at the till either electronically or physically to remind staff to ask for identification .
- r). The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
- The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
- s). Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.
- t). All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at the premises and made available to officers of any responsible authority upon request.
- u). The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated

Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.

- v). This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

15. It is accepted that a number of the original offered conditions are reworded in the requested police conditions.

16. We are therefore left with two outstanding representations, from the Licensing Authority, and the other from Trading Standards.

The representations focus on the following concerns:

- 1. The previous licence was revoked due to offences committed between March 2021 and December 2021.**
- 2. The new application is in the name of the wife of the previous premises licence holder. Therefore the belief is that Mr Huq will still run the business.**
- 3. Up to the applicant to prove that the previous owner is not involved in the new business.**
- 4. The proposed Premises Licence holder has no experience in running a licensed premises, nor had she any involvement in the previous company.**

17. In response to the above the applicant would say this:

a). The previous licence was revoked due to offences committed between March 2021 and December 2021.

There is no dispute to this. It is a fact that the previous premises licence in the name of Huq Neighbours Ltd, was indeed revoked on the 22/03/2022. This decision was appealed to Thames Magistrates Court, where the original decision was upheld.

b). The new application is in the name of the wife of the previous premises licence holder. Therefore the belief is that Mr Huq will still run the business.

This is simply not true.

You will note from the conditions listed earlier in these submissions, there is a clear condition that has been agreed with the police that Mr. Huq will not be present on the premises when licensable activities are taking place.

12.6 above states: *Md Al Mamunul Huq not to be allowed on the premises when licensable activities are taking place.*

If this condition is ignored the premises licence holder will be in breach of the conditions of the licence, and given the history of the premises, in all likelihood would have her licence revoked. She is aware of this condition, what it means, and the consequences of a breach, therefore the previous premises licence holder will not be present on the premises whilst licensing activities take place. For clarity this will be between the hours of 07:00 and 23:00 hours Monday to Sunday. The premises is open to the public between the hours of 07:00 and 23:00 Monday to Sunday, so Mr Huq, is not permitted to be on the premises during trading hours.

c). Up to the applicant to prove that the previous owner is not involved in the new business.

The applicant is happy to provide evidence that Mr. Huq will have no influence in the running of the new business. As per the condition 12.6 above as agreed by the police, and the accepted consequences of this condition being breached, Mr Huq will not be present on the premises during any of the trading hours of the premises Monday to Sunday inclusive, 52 weeks of every year. Mr. Huq has no connection or interest in the running of his wife's new business. She is named as the only director for the business on the companies house search. It is true that for a period of time after the formation of the new company owned by the present applicant, Monira Sirazum, namely Parnell Supermarket Ltd, the business rates were being paid by Mr Huq's company, Huq Neighbours Ltd. This is only due to the fact that new company bank accounts had not yet been set up, and the business rates required paying. This is now transferring over to Parnell Supermarket Ltd, now the new bank account is open.

d). The proposed Premises Licence holder has no experience in running a licensed premises, nor had she any involvement in the previous company.

This is a conflicting statement. Monira Sirazum was not involved in the running of Huq Neighbours Ltd. So on one hand you can use this as evidence that she has no experience in running a licensed premises, and on the other hand you can use this as evidence that she had no involvement nor did she have any responsibility for the failed test purchases that took place under the previous licence. That said, it is clear to see that since she took on the responsibility for her new company and the responsibility for running the new business, she has made dramatic improvements to how the shop is run. The changes she has made are as follows:

- a) There are now three personal licence holders working in the business. The DPS, and two others, one of which is Monira Sirazum.
- b) All new staff that are employed in the future will undertake the level 2 Personal Licence training.
- c) Parnell Supermarkets now control the entire running of the business.
- d) Since the last recorded incident at the premises on the 13th December 2021, one of the incidents taken into account in the decision to revoke the previous licence, there has been no under age sales from the premises.
- e) A new CCTV system has been installed.
- f) Instore Training books, refusals books, and accident reporting books have all been maintained and are up to date, and available for inspection by any responsible authority.
- g) Due to an agreed police condition Mr. Huq will not be allowed on the premises during trading hours.
- h) Till prompt messages have now been programmed into the till system, and are used for all age related sales.
- i) Age restricted signage is on display within the store.

j) A new, secure cigarette gantry is soon to be installed.

From the above you can see that the applicant takes her responsibility in running the new business, and store extremely seriously.

In addition to the above, should the business be sold in the future, any purchaser would have to apply to vary the new licence as all the conditions would transfer with the licence. Those specific to Mr. Huq would no longer be applicable. Therefore the council would maintain a level of control over how the premises will be run in the future.

Summary:

The assumption that this application should be refused because the previous premises licence was revoked would be wrong.

It is clear from the application before you today, that the new business is vastly different to the previous business as operated by Mr. Huq. The applicant has shown a high degree of responsibility and accepted the accountability of running a licensed premises. By operating under the conditions proposed by the police, and the voluntary measures implemented by the applicant, the licensing authority are under no risk in granting this application as applied for as amended.

The applicant has submitted a comprehensive operating schedule with a number of offered robust conditions to ensure that none of the four Licensing Objectives are compromised in any way.

As a result, the Police who are the main custodians of the Prevention of Crime and Disorder objective now support the application.

The Environmental Health Team, the main custodians of the Prevention of Public Nuisance objective, also support the application.

No interested parties have any concern about this licence being granted. In fact three local residents have taken the time to write to the Licensing Authority emphasising their support for the application, which, as you will know is rare.

It is clear that the country faces challenging times ahead. Many established businesses are closing down, many jobs have been, and many more will be lost in the coming months to the detriment of local communities and major cities alike. Here we have a business that, despite the economic uncertainty, is willing to invest in the local area, and not only provide a service for the local community, but also to provide local jobs for local people. No one can predict with any certainty how long the country will suffer the current economic situation.

Businesses that are still willing to invest in the area in these difficult times are in need of support and encouragement.

The propriety of taking into account the wider economic impact of licensing decisions was explicitly recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

“Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”

For these reasons, the sub-committee is invited to grant this licence, with the additional conditions in these submissions along with those originally offered in the operating schedule.

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