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## LICENSING SUB-COMMITTEE

18 DECEMBER 2014

10:00 – 13:15

PRESENT Councillor David Simpson (in the Chair),  
Councillor Joan Henry, Councillor Philip Jones and  
Councillor David Simpson

Guy Bishop, Legal Advisor,  
Elizabeth Macdonald, Licensing Officer,  
Stephen Beedell, Licensing Officer,  
Amy Potter (for Kay Eilbert) Consultant in Public Health,  
Sgt Peter Sparham, Metropolitan Police

For Bineet Stationers: Mr Alan Aylott, Mr and Mrs Patel  
For Mr J B Read: Mr Joshua Read, Mr Mike Mitchell

Hilary Gullen – Democratic Services

### 1 APPOINTMENT OF CHAIR (Agenda Item 1)

Cllr David Simpson was appointed chair

### 2 DECLARATIONS OF INTEREST (Agenda Item 3)

No Declarations of Interest were made

### 3 SHELL - PEPYS CORNER, 187 WORPLE ROAD, SW20 8RE (Agenda Item 4)

The Sub-Committee noted that this item was postponed until 7 January 2015

### 4 BINEET STATIONERS, 237 LONDON ROAD, MITCHAM, CR4 3NH (Agenda Item 5)

Parties agreed notification and papers correct

Sgt Sparham gave background to the reasons for the review which was brought about following a failed test purchase.

The area has experienced a significant increase in anti-social behaviour, with complaints from local residents. This led Sgt Sparham to visit local 'off licence' premises.

Bineet Stationers had a police visit on 14th August 2014, a joint visit with Licensing on 17th September 2014 and the failed test purchase on 20th September 2014. On the last visit, a street drinker was observed being served with a can of alcohol. Sgt Sparham expressed concern that the management at the premises do not take heed of advice and recommended seven conditions.

Amy Potter supported the Police representation, and confirmed that the area was associated with street drinking. Amy Potter stated that the premises sold high

strength alcohol and that data shows there is crime and disorder across this postcode.

Mr Alan Aylott gave information about the length of time Mrs Patel had been at the shop premises, how the licence was granted in 2007 and that everything had been correct up to the failed test purchase.

Discussion ensued regarding the crime statistics from the Police website. Mr Alan Aylott confirmed that the conditions were acceptable, apart from numbers 3 and 4 which he felt were not relevant to the review.

Mr Alan Aylott informed those present that Sonny Patel lives at the premises and was in the shop on the day of the failed test purchase and was able to work the electronic purchase system. Mr Aylott suggested that the system could be switched off in future, and the door locked, when the authorised sales person was not in the retail area of the premises.

Mr Aylott expressed concern that any conditions imposed should be proportionate and appropriate and referred to the Licensing Act 2003 guidance. Mr Aylott also expressed concern that as all nearby off licences sell high percentage alcohol it would be a burden for Mrs Patel to not be able to do likewise.

In response to a question from a panel member, Mrs Patel confirmed she is in the shop for around 5 or 6 hours a day, and that her husband covers the other hours. It was also noted that neither Mr or Mrs Patel had been on the premises for any of the three visits. Mrs Patel also confirmed they had just engaged the services of Mr Aylott and that training was going to take place every six months.

After going into closed session, the licensing advisor informed the hearing that the advice given was related to the Bassetlaw v Worksop case. The chair gave the decision and reasons as follows:

Decision:

The Licensing Sub-Committee reviewed the premises licence for the premises, Bineet Stationers, following service of a Review by the Metropolitan Police.

The Licensing Sub-Committee determined that there should be a one week suspension of the Premises Licence.

The Licensing Sub-Committee determined that the Premises Licence shall continue in force and did not take the step of revoking the Premises Licence.

The Licensing Sub-Committee also looked at the possibility of the removal of the DPS, but accepted that the DPS was not at the premises when the underage sale took place, but still considers that the DPS should have understood and managed the premises so as to avoid underage sales.

The Licensing Sub-Committee decided to take the step of attaching all further conditions sought by the Metropolitan Police, along with two additional conditions, as set out below:

- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 items when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The

CCTV system should be updated and maintained according to police recommendations.

- 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 premise is open to the public. This staff member must be able to show a Police of authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 3) No super-strength beer, larger or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 4) No single cans of beer or cider shall be sold at the premises.
- 5) A proof of age scheme such as Challenge (21/25) shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport or holographically marked PASS scheme identification cards.
- 6) A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer at the Council at all times whilst the premise is open.
- 7) An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - All crimes reported to the venue
  - All ejections of patrons
  - Any complaints received
  - Any incidents of disorder
  - Any faults in the CCTV system or searching equipment or scanning equipment
  - Any refusal of the sale of alcohol
  - Any visit by a relevant authority or emergency service
- 8) Notices prohibiting under-age sales shall be on display in the premise.
- 9) Training in licensing shall be conducted every 3 months with training records to be available to the Police and Local Authority for inspection.

Reasons:

The Licensing Sub Committee considered all of the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance under section 182 of the Licensing Act 2003, its Regulations, case law, and Merton Council's Licensing Policy.

The Licensing Sub-Committee took a very serious view of what happened with the under-age sales to two children aged 14 and 16. The Licensing Sub-Committee applied the case of *Bassetlaw v Worksop* and had regard to the Guidance and therefore took a stronger view in their determination.

In relation to the suspension, the Licensing Sub-Committee felt it both proportionate and appropriate to take that step, as

a) Mrs Patel, Designated Premises Supervisor, was not available on any of the three occasions where the police / trading standards officers visited, or on the occasion of the test purchase,

b) the premises appear to be running in a casual and slipshod manner, without due regard to the responsibilities under the Licensing Act 2003, but it was appropriate and proportionate to take the steps imposed.

The premises are situated in an area that has a high incidence of street drinking, and a street drinker was observed purchasing alcohol in the premises.

The evidence submitted by the Metropolitan Police indicates that there was an unauthorised person selling to under-aged children and potentially an unauthorised person selling to someone who was drunk. All of these are potential criminal offenses.

There was a joint Metropolitan Police and licensing officer visit three days before the test purchase, where advice was given and clearly ignored and against a backdrop of regular advice in the form of age restriction advice packs, that had been given to the premises.

This part of the meeting ended at 11.55am

5 EXCLUSION OF THE PUBLIC (Agenda Item 6)

6 J B READ - PERSONAL LICENCE (Agenda Item 7)

The Sub-Committee considered the application for a personal licence by J B Read and determined that this should be granted.