



LICENSING SUB-COMMITTEE

Tuesday 5 February 2019 at 7.00 pm

MINUTES

PRESENT: Councillor Fred Cowell, Councillor Joshua Lindsey and Councillor Philip Normal

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

MOVED by Councillor Joshua Lindsey, SECONDED by Councillor Philip Normal and

RESOLVED: That Councillor Fred Cowell be elected Chair.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED:

That the minutes of 10 January 2019 be agreed and signed as a correct record of the proceedings.

4 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4a PAYLESS FOOD AND WINE, 128 STOCKWELL ROAD, LONDON, SW9 9HR (LARKHALL)

The Licensing Officer informed the Sub-Committee that the applicant wished for the application to be adjourned as the DPS had a bereavement in Pakistan and the applicant was in Pakistan on holiday.

In response to questions from members, the Licensing Manager, Ms Bina Patel, informed the Sub-Committee that:

- She objected to the applicant's wish for the application to be adjourned.
- The premises was still selling items that was against the conditions of the

licence to sell.

- Two bottles of alcohol which the premises was not allowed to sell had been sold in a test purchase.

In response to questions from Members, Mr Bernard Conmy, Trading Standards Officer, informed the Sub-Committee that:

- It was the decision of the Sub-Committee whether or not they wished to hear the application in the applicant's absence.
- He would invite the Sub-Committee to hear the application rather than adjourn it.

In response to questions from Members, PC Constable informed the Sub-Committee that:

- He acknowledged that the applicant had a bereavement but the interested parties could have been notified sooner.

Adjournment and Decision

At 7.08pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to refuse the application to adjourn.

RESOLVED: To refuse the application to adjourn.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to refuse the application to adjourn. The Sub-Committee had carefully considered all the representations made and had decided to refuse the application to adjourn.

The Sub-Committee was of the view that the application should be heard in the absence of the applicant and noted that it was the applicant who had submitted the variation application.

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation of a premises licence. The Sub-Committee's attention was drawn to chapters 2, 3, 8, 9 and 10 of the Statutory Guidance and Sections 4, 5, 6, 7, 8, 9 and 16 of the Statement of Licensing Policy as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 19 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to vary a premises licence.
- The variation was to remove one condition which did not allow the premises to

sell alcohol above 6% abv.

- The applicant was not in attendance at the meeting.
- The application had been objected to by the Police, Licensing team and Trading Standards

Presentation from interested parties

PC Mike Constable informed the Sub-Committee that:

- The premises had failed the test purchase and was found to be selling Nigerian Guinness and Dragon Stout.
- Police had no faith in the premises licence holder's ability to uphold the licensing objectives enough to be able to warrant a removal of the condition.
- The condition was in place to prevent street drinking.

Mr Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- This was a variation application which had been prompted by a visit to the premises which had found items on sale at the premises in breach of the licensing conditions.
- The reason the condition was in place was to tackle street drinking.
- Stockwell was very well-known for street drinking issues.
- Page 6 of the agenda papers outlined the problems caused by super strength alcohol. Pages 41, 42 and 43 provided further information on the issue, including specifically dealing with homelessness.
- Page 44 of the agenda papers showed another report regarding alcohol consumption and its relationship to street drinking.
- As outlined by the evidence, the condition that the applicant was proposing to be removed should not be removed.

Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- She would reiterate what the objectors had stated.
- Given the nature of the applicant failing the compliance visit, that the applicant had disregarded all breaches of the premises licence and that breaches of the premises licence had been identified in November 2018, there was no confidence in the applicant's ability to uphold the licensing objectives.

Adjournment and Decision

At 7.21pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to refuse the

application.

RESOLVED: To refuse the application.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to refuse the application. The Sub-Committee had carefully considered all the representations made and had decided to refuse the application.

The Sub-Committee was of the view that the application should be refused. Full written reasons would follow in due course.

4b ZB RETAIL 24, 41 STREATHAM HILL, LONDON SW2 4TP (STREATHAM HILL)

Mr David Dadds, representative for the applicant, informed the Sub-Committee that:

- He would like the application to be adjourned so that the Licensing team could consider a recent application regarding the transfer of the premises.
- He had additional papers regarding the transfer of the premises and that these papers contained confidential information regarding the sale of the business.
- Hearing the application at a future date, given the developments regarding the premises, would allow all parties to be more well-informed and possibly reach an agreed position prior to the next hearing.
- It was in the public interest to adjourn the hearing.
- Copies of the proposed transfer could be given to the Legal Officer and the Licensing team.

At this point in the proceedings, the Legal Officer informed the meeting that he had seen a number of documents in reference to the transfer of the premises, such as documents pertaining to the lease and its stock valuation. The transfer of the premises had been completed on 30 January 2019. Furthermore, VAT registration and the PAYE registration were in place. Stamp duty and tax were also being collected. The earliest documentations appeared to suggest that the transfer of the property had been in process for some time. The sales documentation appeared to be in the process of completion by a separate firm of solicitors to those acting in this application and the sale appeared to be a bona fide sale. Further, the applicant, in order to transfer the licence and vary the DPS, would have to make an application which could be objected to by the Police.

In response to questions from Members, PC Mike Constable informed the Sub-Committee that:

- He agreed that all necessary checks should be allowed to be made regarding the application and did not object to an adjournment.

In response to questions from Members, Ms Helen Pooley, representative for the Licensing team, informed the Sub-Committee that:

- She did not object to the application to adjourn given that the application to transfer the licence was still pending.

Adjournment and Decision

At 7.32pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application to adjourn.

RESOLVED: To grant the application to adjourn.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application to adjourn.

Full written reasons would follow in due course.

The Chair stated that given all parties were in agreement for the adjournment and that the application to adjourn was made on reasonable grounds. The application would be adjourned and would be re-scheduled to be heard on 28 March 2019. The Sub-Committee noted that if there were to be objections regarding the transfer of the DPS and the premises, then this could be considered on that date. The Sub-Committee would ask for documents confirming the sale and transfer of the premises and these documents should be made available to the Licensing team and all relevant parties.

4c PREMIER FOOD AND WINES, 139 SOUTH LAMBETH ROAD, LONDON, SW8 1XB (STOCKWELL)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of a premises licence. The Sub-Committee's attention was drawn to chapters 2, 3, 9, 10 and 11 of the Statutory Guidance and Sections 1, 5, 6, 7, 8, 10, 11 and 19 of the Statement of Licensing Policy as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.1 of the report on page 114 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to review the premises licence.
- The applicant was being represented by Ms Helen Pooley and Mr Sean Biggart from Public Protection.
- The review application had been subsequent to a visit to the premises which found an individual working at the premises who did not have the right to work in the UK. Additional breaches of the premises licence had also been observed.
- Representations had been received in support of the review application from the Licensing team, PC Constable and Councillor Lucy Caldicott.
- Representing the premises licence holder was Mr Stevens.

The representative for the applicant, Ms Pooley, informed the Sub-Committee that she would like to refer to the witness statement (found in the agenda papers) from Mr Keith Badrick as his statement related to the representation made by the Licensing team. Mr Badrick's statement referred to the individual who did not have the right to work in the UK and his understanding of the English language but it later became apparent that he was capable of understanding what was going on around him.

The Chair stated that the Sub-Committee would progress with the hearing and seek Legal advice were necessary.

Presentation by the applicant

The representative for the applicant, Ms Pooley, informed the Sub-Committee that:

- There had been reviews and issues highlighted by Trading Standards and events that had occurred prior to this review.
- In October 2018, the premises had failed a test purchase and this was followed by a subsequent visit to the premises by the Licensing team on 2 November 2018.
- There were concerns regarding breaches of the licensing conditions and the presence of an individual who did not have the right to work in the UK on the premises.
- In relation to the breach of conditions, there were three key areas where the licensing objectives were not being upheld.
- Firstly, the premises was found to be selling single cans of alcohol, something the premises was not allowed to do following a review of the premises in 2013.
- Secondly, the premises staff did not appear to be updating the refusals register after the licence was reviewed in 2013.
- Thirdly, there were other issues found on 2 November 2018 that appeared to indicate that the premises was selling single cans of alcohol and that the upkeep of the refusals register was still an on-going problem.
- A test purchase was carried out at the premises on 20 October at 01:20 and officers were able to purchase a can of Fosters.
- A staff member working at the premises was asked to provide a refusals register, in which, the last entry was 10 May 2018.
- Another test purchase was carried out on 26 October 2018 where an officer was refused a sale but the register appeared to show that the last refusal was 16 July 2018.
- The sale of the single can of alcohol being sold on 20 October 2018 demonstrated a breach of condition as the premises was not allowed to sell single cans of alcohol.
- The sale of a single can of alcohol showed lack of appreciation of responsibilities from the premises licence holder.
- At a visit to the premises on 2 November 2018, a broken 4 pack of beer and larger were found along with a bottle opener found behind the counter. Staff stated that this was for opening bottles of soft drink, but the premises did not appear to sell any.
- The premises licence holder had stated that the sale of the single can of alcohol had been sold whilst the relevant staff member was on a coffee break, but this meant that an unauthorised individual had taken control of the premises and had sold the item. This showed an ineffective management of the premises.
- There were insufficient staff members working at the premises as staff were able to exit the premises and leave underqualified staff in charge. This was not

an excuse the Sub-Committee should consider as being justified.

- On 20 October 2018, the refusals register appeared to show the last dated refusal as May 2018.
- On 26 October 2018, a new entry was found in the refusals register; 16 July 2018.
- Mr Badrick's statement highlighted the risk register, which he stated was poorly kept and not kept up to date.
- Following this, the premises staff provided refusals registers (found in annex C of the agenda papers).
- An individual who did not have the right to work in the UK was found working on the premises and this was serious in nature and the guidelines stated that the Sub-Committee needed to take such issues of criminal activity on premises seriously.
- Finding an individual who did not have the right to work in the UK further demonstrated ineffective management, particularly in the context of the history of the premises.
- There had been two previous reviews of the premises licence and other responsible authorities had raised issues relating to the premises in the past.
- The evidence demonstrated that the Sub-Committee should not be able to genuinely believe that imposing further conditions on the licence would have any effect on how the premises would be run.
- The appropriate and proportionate response by the Sub-Committee would be a revocation of the premises licence.
- The evidence pointed to a problem with effective management and a lack of employees clear on their responsibilities.
- In relation to the refusals register, there appeared to be an inconsistency in who was filling in the register as there appeared to be a document written by Mr Sultan requesting to be an employee on 25 September 2018 but his name appeared in the refusals register on 16 February 2018.

The representative for the applicant, Ms Pooley, informed the Sub-Committee that:

- A broken 4-pack of alcohol and the presence of a bottle opener found on the premises in addition to a failed test purchase on 20 October 2018 indicated that sales of single cans of alcohol was something that occurred at the premises.
- When staff members were challenged regarding the finding of the bottle opener, they had said they used it for soft drinks and it was up to the Sub-Committee to decide if this was a sufficient reason.
- Finding an individual who did not have the right to work in the UK warranted the Sub-Committee to take serious action regarding revocation of the premises licence in the first instance. This should be considered alongside the breaches of condition put in place following the previous review and in the context of the previous review hearing not having had an effect on how the premises was being run.
- The premises had also been given warnings in July 2016 and there had been

complaints from residents which had been included in the agenda papers.

Presentation by interested parties

PC Constable informed the Sub-Committee that:

- The agenda papers referred to a case in East Lindsey, Lincolnshire, where a vulnerable person was exploited and this was a breach of criminal law.
- The employment of an individual who did not have the right to work in the UK was a serious offence, especially where vulnerable individuals were involved and it was the responsibility of the responsible authorities to take necessary and proportionate steps to deal with these situations.
- Attempts had not been made by the premises licence holder to make the necessary checks to ensure that the individual actually had the right to work in the UK.
- A member of staff at the premises appeared to show a complete lack of knowledge of the Licensing Act and it was not possible to trust someone to sell alcohol and tobacco if they did not have a basic understanding of the licensing regulations.
- In his experience, the keeping of bottle openers by premises licence holders was done so that bottles of alcohol could be opened after they were sold to increase revenue.
- There appeared to be a lack of management and control at the premises.
- Sales of single cans increased the likelihood of street drinking which affected residents in the area.
- Mr Badrick's statement informed that the premises licence holder had several craft and Stanley type knives at the premises and a sledgehammer handle that was behind the counter. It was not clear why anybody would have this. These types of items were usually only used in jobs where boxes had to be opened and this would not be needed near the counter.
- The Police did not have any faith that the premises licence holder would be able to uphold the licensing objectives.

In response to questions from Members, PC Constable informed the Sub-Committee that:

- It was not possible to condition criminality which was why other laws were in place in addition to licensing laws.

Councillor Lucy Caldicott informed the Sub-Committee that:

- She would focus her representation on crime and disorder, public disorder and public nuisance.
- Since she had been elected a Councillor, she had received several complaints regarding anti-social behaviour, crime and noise disturbances near where the premises was based.
- The premises had not been unfairly singled out.
- Residents had contacted her regarding littering and criminality in the South

Lambeth Road area.

- There were persistent street drinkers near the premises outside the Ladbrokes shop. There were empty bottles of Dragon Stout and other litter that could be found in the area. She had taken photos of these yesterday.
- The premises licence holder had held a premises licence since 2012.
- The licence had been reviewed first in 2013. In July 2016, additional warnings had been given to the premises licence holder but since then, there had been multiple breaches of the premises licence.
- She requested a revocation of the premises licence.

At this point in the proceedings, with the agreement of all parties, Councillor Caldicott circulated the photos she had taken.

In response to questions from Members, Councillor Caldicott informed the Sub-Committee that:

- Her pictures were taken on 18 January 2019 and yesterday morning.
- The miniature bottles and cans of beer were found immediately outside the premises.
- There were issues around littering and public disorder near the Ladbrokes betting shop in the area. There were also issues of aggressive behaviour, drug taking and anti-social behaviour.
- Conditions imposed on the licence could possibly be a reasonable response if the issues raised at the premises were general complaints, but the criminality and additional concerns raised meant that revocation would be a more appropriate measure.
- Knife crime had been an area of great concern in recent months and premises staff keeping knives behind the counter was a concern for public safety.

Ms Bina Patel, Licensing Manager, informed the Sub-Committee that:

- There had been failings at the premises since its last review.
- There had been issues relating to underage sales at the premises.
- Complaints had been observed in relation to the premises.
- The premises licence holder was failing in his responsibility as a licence holder and failing to meet the conditions of the licence, especially the ones imposed in 2013.
- Despite warnings and inspection visits, breaches in conditions had been observed and had employed an individual who did not have the right to work in the UK. This constituted a criminal offence and the Licensing team supported a revocation of the premises licence.

In response to questions from Members, Ms Patel informed the Sub-Committee that:

- There was initial intervention at the premises in 2016 following a sale to an underage person and the premises licence holders were reminded of their

obligations.

- The Licensing team had received complaints from residents during the summer last year leading to a test purchase of single can of alcohol. This followed the checks in November 2018 which finally led to the review application.
- The review application had not been made solely based on one concern.
- The Licensing team had not had any contact made by the premises licence holder following July 2016.

At this point in the proceedings, the Legal Officer stated that he noted a letter from Mr Yemane seeking employment, that he had seen when he was sent documents for clearance, did not appear to be in the agenda papers. He asked Mr Stevens if this was something that was meant to have been included in the papers.

In response, Mr Stevens, representing the premises licence holder, stated that some of the paperwork had not been received by the Licensing team because there had been difficulty with emails. He also had difficulty receiving emails from the Licensing team. He had sent photographs by email and had been told they had not gone through. Mr Stevens confirmed that the letter was something that could be put before the Sub-Committee.

Presentation by the premises licence holder

The premises licence holder, Mr Mohammad Najib and his representative Mr Stevens, informed the Sub-Committee that:

- They agreed with everything Councillor Caldicott had said.
- The premises was located near a parade of shops.
- The premises was located on the corner of the road.
- The Ladbrokes in the area was open until 00:00.
- There were 5 or 6 licensed premises in the area.
- There was also a licensed premises in the area similar to Premier Food and Wine which sold miniature bottles of alcohol and single cans of alcohol.
- Although the premises was a 24 hour shop, the shop nearby closed at 23:00 but had no restrictions on selling miniatures or high alcohol beers or lagers.
- Subsequent to the review application, conditions had been imposed on the premises licence in 2013. The premises was not allowed to sell single cans of beer, lager or cider and no beer larger or cider greater than 6% abv would be allowed to be sold. No alcohol would be sold to street drinkers and there would be no sale of bottles or miniature bottles of cider.
- The pictures submitted by Councillor Caldicott showed bottles and miniature containers of indicating 7% abv, which indicated that these containers could not have been brought at the premises.
- General antisocial behaviour would occur a few doors away from the premises near other licensed premises. Ladbrokes closed at 00:00 and people often congregated at Ladbrokes.
- He had photos which showed antisocial behaviour and people being arrested outside Ladbrokes for antisocial behaviour. None of this could be the responsibility of the premises as the premises was only allowed to sell alcohol

under 6% abv.

In response to questions from Members, Mr Stevens, informed the Sub-Committee that:

- There were obvious issues of criminality in the area and this was clear from many photographs taken on a series of days. One staff member had taken a video recording and was abused for taking it.
- The individual who did not have the right to work in the UK had produced false documents in order to falsify his identity.

At this point in the proceedings, the Licensing Manager Ms Bina Patel informed the Sub-Committee that although there had been some issues regarding communication via email, the Licensing team had requested that these papers be delivered by mail. However, they were never received. The documents submitted in the agenda papers were the sum-total of the papers that had been submitted regarding the application and anything subsequent to the paperwork in the agenda papers had not been seen by the Licensing team.

In response, Mr Stevens stated that the Licensing team had trouble receiving emails and had used his chambers to send the emails to the Licensing Officer but was unable to get through despite having tried three or four times. He had provided his personal email address which did not help solve the problem. He then arranged for one of the premises staff members to go and physically hand deliver the additional papers. These papers were delivered on 30 January 2019. Attempts had been made to serve the papers on time but this could not be done due to the problems with emails.

At this point in the proceedings, the Legal Officer stated that he would not be able to comment on the email problems but there should have been a record of a telephone dialogue between the Licensing team and the premises licence holder and/or his representative. He was concerned that he had recalled clearing documents which did not appear to be present in the agenda papers. He suggested examining the paperwork in Mr Stevens' possession to see if they had been originally submitted.

At 8:39pm, the Sub-Committee decided to adjourn the hearing so that the Legal Officer could examine the additional papers presented at the hearing by the premises licence holder's representative. The Sub-Committee reconvened at 8:51pm.

The Legal Officer stated that he had examined the documents referred to by Mr Stevens and they had not been originally submitted to him for clearance. The Licensing team had stated that they had not seen these additional papers and although he had seen the receipt for the documents apparently posted by premises licence holder in December 2018, he had not seen what these emails contained. The document submitted by Mr Stevens should be considered as late documentation and the Sub-Committee would be able to allow for the documentation to be submitted at this meeting should they wished to and with the permission of all parties involved in application.

The Sub-Committee sought the views of all parties involved in the application and decided to not allow the documentation to be submitted to the meeting.

In response to further questions from Members, Mr Stevens, informed the Sub-Committee that:

- The individual working at the premises who did not have the right to work in UK provided documents from the Home Office, which appeared to give him refugee status and general clearance for his allowance to work in the UK. Supporting documentation for this could be found on page 131 of the agenda papers.
- Paragraph 2 on page 132 the agenda papers showed the letter from the Home Office which showed the name of the individual "Zamaryali Saffi" had been

naturalised in August 2018. It was this identity that the individual, who did not have the right to work in the UK, had assumed.

- Page 135 provided of the agenda papers showed that the premises licence holder had queried when the individual had started working in the UK.
- The individual's name was consistent with the name that had been given to the Police (the same name as the papers from the Home Office).
- The individual only received training without pay (but would be paid £7.50 p/h for the training once his documents had been cleared). He had been trained by 'Daniel'.
- The agenda papers referring to the case in East Lindsey, Lincolnshire, with regard to taking advantage of vulnerable people did not apply in this case. In this case the opposite had occurred. This was an example of an individual who had arrived at the premises using someone else's identity. It was the individual who had taken advantage of the employer.
- Action had been taken by the Police against the employer and action had been taken with regard to the individual who had presented documents claiming to be the individual named on the papers.
- He would suggest additional conditions be placed on the licence such as the implementation of a system ascertaining proof of right to work in the UK for any individual and that any prospective employees of the premises be fully checked. He would also suggest that all prospective employees get a Police check.
- The documents provided by the individual were not fraudulent by themselves but were presented fraudulently.
- Page 140 of the agenda papers showed a photograph of the individual. The individual was providing a false name and his actual name was Jalal Abdul.
- The individual when presenting his documents did not show a photo. His responsibilities whilst he was training was to stack shelves. He was never paid but would have been paid had he produced a passport.
- The individual was training but would not have been paid unless he was able to produce full documentation regarding his right to work in the UK.
- The situation in this case was different to a situation where advantage could be taken of a vulnerable person.
- No action had been taken by the Home Office, implying that the premises licence holder had acted in good faith.
- Additional conditions had been imposed by the Sub-Committee in 2013. The conditions included the selling of alcohol with low ABV content. Street drinkers were not interested in this type of alcohol.
- The premises had received a warning in July 2016, but the premises licence holders were not given a plan by the Licensing team from which they could work.
- In relation to the test purchase on 20 October 2018, the purchase had occurred at 01:30 and the employee was tired at the time. The employee had not yet received his training and had only been at the premises for a short period of time. He had informed officers that his boss should not be blamed. The employee had now received his training and the incident would never happen

again.

- This review application was not a suitable matter on which to revoke the premises licence.
- The licence had been reviewed on the basis of public disorder and crime and disorder but this had only been from alcohol sold by another licensed premises in the area, likely to be the 24 hour shop.
- The employee who had failed the test purchase had taken on full training procedures. The subsequent test purchase regarding the sale of the single can of alcohol was passed and the correct procedure was followed on that occasion. On this occasion, premises staff had been asked about the possession of the bottle opener and he had photographs of bottles of coke sold by the premises needing a bottle opener.

At this point in the proceedings, Mr Stevens requested to circulate the pictures of the bottles of Coke. The representative for the applicant, Ms Pooley, stated that the photos showed a line of six bottles, four of which were types of Coca-Cola. These bottles would require a bottle opener if it was being sold.

In response to further questions from Members, Mr Stevens, informed the Sub-Committee that:

- He had taken the photos on 30 January 2019 to show the different types of coke sold at the premises.
- The Stanley-type blades were used to cut boxes that arrived at the premises sealed with sellotape in addition to dozens of boxes food tins and other general process items.
- The premises had a store room.
- Deliveries arrived at the front and back of the premises.
- The Stanley-type blades were kept at the front of the premises and in the store room. They were not kept anywhere else.
- The piece of wood kept at the premises was used as a barrier to stop coins and other items dropping under the floorboards.
- The refusals register shown by premises staff to responsible authorities was the incorrect one. The counter had a downward shelf in which various documents had been stored including other refusals registers. When one of the staff members attempted to produce the refusal register, he had produced an older one.
- He had informed the premises licence holder to only have one refusals register instead of all of them on the shelf. There were some areas of a lack of understanding of the English language amongst staff members.
- There appeared to be four refusals registers stored in total; 2016, 2017, 2018 and 2019.
- Although all the relevant staff had completed their training, this did not make them highly intellectual people. They were ordinary shop staff.
- Some of the entries in the refusals register had been re-written from other registers.

- Mr Sultan had worked at the premises on two separate occasions. There was a period of time when he did not work for the premises. This was between a time period of 8, 6 or 4 months.
- Some of the discrepancies in the application process (to work at the premises) was as a result of the prospective employees speaking English as a second language.
- It was not possible to explain why the letters from both Mr Sultan and Mr Yemani (page 166 of the agenda papers) appeared to be identical as the premises licence holder was the one to whom the letters were handed.
- The premises licence holder could not remember when exactly Mr Sultan stopped working at the premises.
- The blade on the 'Stanley' type knife was one which one would push out of the handle.
- All staff members were now fully trained and the premises licence holder had paid for all the training courses.
- In relation to the test purchase on 20 October 2018, the employee involved in this exchange had been a member of staff for approximately two months on and off. The individual was not selling alcohol regularly and although all other staff members had been appropriately trained, there had been a delay in his training. He had apologised for his error.
- The training involved employees to go on courses.

The applicant was recalled to address matters arising. In response to further questions from Members, Ms Pooley, informed the Sub-Committee that:

- Regardless of what documents the premises licence holder was provided with, there were no checks made to ensure that the individual who was employed had the right to work in the UK. This demonstrated the ineffectual running of the premises and recruiting employees appropriately was one of the core licensing objectives.
- She could not confirm if the Home Office guidance required the premises licence holder to obtain a photo of a prospective employee, but a responsible premises licence holder would take photographic evidence.
- The refusal register appeared to be in sequential order. Three quarters of the refusal registers kept by the till had not been filled in.
- The refusal on 26 October 2018 appeared to be absent and was not in the refusals register.
- She accepted that Mr Sultan had appeared to stop working at the premises for a period of time.
- The application and the premises licence needed to be examined in a broad context. The refusals register was not simply a case of one or two things missed. There were also problems with training and the general background of the premises of not complying with the conditions imposed on the licence.
- It was not clear what additional conditions could be placed to remedy the upkeep of a logbook.

The Legal Officer reminded the Sub-Committee that it had been told that the Home Office had decided not to take action regarding the matter in relation to the individual who did not have the right to work in the UK. However, the Sub-Committee had not received any evidence for this. All that could be said was that no action had been taken at present.

Adjournment and Decision

At 10.01pm, the Sub-Committee withdrew from the meeting together with the Legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application and revoke the premises licence.

RESOLVED: To grant the application and revoke the premises licence.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application and revoke the premises licence.

Full written reasons would follow in due course.

5 CONSIDERATION OF AN OBJECTION FOR A TEMPORARY EVENT NOTICE

Special circumstances justifying urgent consideration

A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by Public Protection regarding a Temporary Event Notice (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) required a minimum of two days' notice to be given. The first event was due to take place on 10 February 2019.

The Chair was of the opinion that although the meeting has not been convened with at least five clear days' notice, it should proceed as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

5a THE SUGAR BAR , 91 NORWOOD HIGH STREET, LONDON, SE27 9JS (GIPSY HILL)

This application was withdrawn from the agenda.

The meeting ended at 10:16pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 26 February 2019

Date of Despatch: Wednesday 13 February 2019

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