



# Licensing Sub-Committee Report

**Item No:**

4

**Title of Report:**

Magazin Romanesc  
420 Streatham High Road London SW16 3SN

**Applicant:**

Mr Tudorel Sarbu

**Application Type:**

Premises Licence (review application)

**Application Date:**

3rd February 2017

**Ward:**

St Leonards

**Premises Type:**

Off Licence (Supermarket)

**Policy Context:**

Lambeth Statement of licensing policy 2014 - 2019

**Report Author:**

Ms Naomi Rochester

**Contact Details:**

020 7926 6142

**Application Summary:**

This is an application for a review of the premises licence brought by Lambeth Trading Standards (Mary Olumese) under the licensing objectives:-

- Prevention of Crime and Disorder
- Public Safety
- Protection of Children from Harm.

<b>Consultation Information:</b>			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<b><u>Internal</u></b>			
Health & Safety Section	Y		
Noise Service	Y		
Social Services	Y		
Licensing Service	Y		
Planning	Y		
Trading Standards	Y		
<b><u>External</u></b>			
Fire Authority	Y		
Police Licensing Unit	Y		
Health Authority	Y		

<b>Policy implications:</b>
<p><b><u>Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)</u></b></p> <p>The Licensing Objectives engaged by this application are;            Prevention of Crime and Disorder            Public Safety            Prevention of Public Nuisance            Protection of Children from Harm.</p> <p><b><u>Complaints, Representations and Licensing Reviews (chapter 19, pages 26 to 28 and 29 of the policy)</u></b></p> <p>19.6 Representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives.</p> <p>19.8 The licensing committee, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.</p> <p>19.10 The Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.</p> <p>19.15 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence- even in the first instance - will be seriously considered (Amended Guidance, paragraph 11.27). Revocation also remains an option if other licensing objectives are being undermined.</p>

## 1. Application:

- 1.1 This is an application made by Mary Olumese, Lambeth Trading Standards to review the premises license under section 51 of the Licensing Act 2003.
- 1.2 The applicant is seeking revocation of the licence due to issues of (1) illicit tobacco, (2) non-duty paid alcohol, (3) underage sales and (4) pharmaceutical prescription drugs being sold.
- 1.3 A copy of the application is attached to this report as **Annex A**
- 1.4 A copy of the review was served by hand on the licensee on 3rd February 2017 at the premises.

## 2. Representations:

- 2.1 Representation was received against the application from a councillor. The representation is based on the licensing objectives of public nuisance as there appears to be street drinking and loitering taking place on a side street to the premises, called Barrow Road.
- 2.2 Redacted copies of the representation were provided to the applicant and are attached as **Annex B**.
- 2.3 The last date for making representation was the 3rd March 2017.

## 3. Current Licence:

- 3.1 The licence allows the premises the following:-  
**Supply of Alcohol**  
Monday - Sunday 08:30 - 23:00
- 3.2 Opening the premises to the public during the following times:  
Monday - Sunday 08:30 - 23:00
- 3.3 A copy of the premises licence and plans is attached as **Annex C**

## 4. Background History:

- 4.1 This is the first review of the licence.
- 4.2 The licence has been in the name of Mr Tudorel Sarbu since the licence was first granted on the 21st July 2012, over the years there have been transfers that were joint with other licensees but his name has continuously remained as one of the premises licence holders and at present he is the only named licence holder.

- 4.3 The licence transferred to Mr Tudorel Sarbu on the 8th August 2016 and he became the DPS on the 27th June 2016. Prior to that the licence was in the names of Mr Tudorel Sarbu and Mr Daniel Petru Buzatu (also the DPS) since 19th December 2012. The licence was first ever granted on the 21st July 2012 to Tudorel Sarbu and Marius Costrasel (also the DPS).
- 4.4 Mr Tudorel Sarbu was the premises licence holder at the time of the alleged breaches referred to in the review application.
- 4.5 The location of the shop is amongst a local parade of shops and is on a main road.

## **5. Observations:**

- 5.1 The parts of the Statutory Guidance (October 2014) which are particularly relevant to this application and the representations received are Chapters:
- 2 – The Licensing Objectives;
  - 3 – Licensable Activities;
  - 9 – Determining Applications;
  - 10 – Conditions Attached to Premises Licenses and Club Premises Certificates;
  - 11- Reviews, and
- 5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:
- 5. The Licensing Objectives
  - 6. The Prevention of Crime and Disorder
  - 7. Public Safety
  - 8. Prevention of Public Nuisance
  - 9. Protection of Children from Harm
  - 10. Conduct of Licence Holders and DPS
  - 11. Compliance with other Legislation
  - 12. Health
  - 13. Enforcement and Partnership
  - 19. Complaints, Representations and Reviews

## **6. Conclusion:**

- 6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.
- 6.2 The options available to Members of the Licensing Sub Committee are;
- 1 - To modify the conditions of the licence
  - 2 - To remove a licensable activity from the scope of the premises licence

- 3 - To remove the designated premises supervisor from the licence
- 4 - To suspend the premises license for a period not exceeding 3 months
- 5 - To revoke the premises licence

**Appendices:**

- Annex A – Review application
- Annex B – Representation in support of review
- Annex C – Copy of current premises licence and plans

**Reference Documents:**

Local Government Act 1972 – Access to information documents used in the preparation of this report

- 1 The Licensing Act 2003 (“the Act”)
- 2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) (“the Guidance”)
- 3 Lambeth Statement of Licensing Policy 2014 - 2019 (“the Policy”)