

LICENSING SUB-COMMITTEE

18 May 2021 at 10.00 am

MEMBERS: Councillors Steve Cook, Tom Drummond and Marlene Heron

1. WELCOME AND INTRODUCTIONS

Attendees and those watching on the live stream were welcomed.

2. ELECTION OF CHAIR

Councillor Tom Drummond proposed Councillor Steve Cook be the Chair for the duration of the meeting, this was seconded by Councillor Marlene Heron.

Resolved that:

1. Councillor Steve Cook be elected Chair of the Sub-Committee for the duration of the meeting

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF THE PREVIOUS MEETING

RESOLVED that:

that the minutes of the meeting held on 17 March 2021 be agreed as an accurate record.

5. LICENSING SUB-COMMITTEE - HEARINGS PROCEDURE

The Chair drew attention to the Council's procedure to be followed at the meeting.

6. LICENCE APPLICATION

DECISION NOTICE
LICENSING SUB COMMITTEE

Licensing Act 2003 - Notice of Determination

Date of issue: 24 May 2021

Decision taken by the Licensing Sub-Committee on: 18 May 2021

18 May 2021

Application by: Mr Bahadeen Ali Hassan

Application for a new premises licence held in respect of the premises known as Euro Poli, 192 High Street, Sutton, SM1 1NR

Present

Sub Committee:

Councillor Marlene Heron
Councillor Tom Drummond
Councillor Steve Cook

Applicant:

Mr Bahadeen Ali Hassan

The applicant's agent and the agent's observer

Ms June Clarke
Mr Terry Clarke

Those making relevant representations:

The representative of those making representations: Andrew Zalewski (Barrister)

Officers:

Saima Khan Legal Advisor
Rebecca Whelton, Licensing Officer
Cathy Hayward, Committee Services Officer

The Hearing

The Licensing Officer introduced the matter for determination and informed the Sub-Committee that Mr Bahadeen Ali Hassan had applied for a new premises licence in respect of the premises known as Euro Poli, 192 High Street, Sutton, SM1 1NR.

The application sought the grant of the following:

- a new premises licence to permit Supply of Alcohol - retail (for consumption off the premises) from 08:00 hours to 21:00 hours daily.

The Licensing Officer informed the Sub-Committee that the proposed hours of licensable activities and the hours of operation are laid out in Appendix 1 and 2.

The Licensing Officer explained that the applicant has advertised the application, as required, by way of a poster at the premises and by advertisement in a local newspaper and that the application had also been advertised on the Council's website.

It was confirmed that all Responsible Authorities received a copy of the application.

No representations had been received from Responsible Authorities.

Two valid representations were received from Other Persons. The representations referred to matters that related to the prevention of crime and disorder, public nuisance and the protection of children from harm licensing objectives.

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The Licensing Officer confirmed that copies of all representations have been forwarded to the applicant and had been made available to the Sub-Committee.

There were no questions from the panel to the Licensing officer.

The Sub-Committee then heard a submission from the applicant's agent Ms Clarke the main points raised included:

- The applicant held a personal licence, would work full time at the shop and would be the Designated Premises Supervisor (DPS).
- The shop would sell a range of general items.
- Spirits would be stored behind the counter
- There would be closed circuit television (CCTV) cameras in place throughout the shop including one outside and one on the rear door.
- The area surrounding the shop was a busy shopping area which had several supermarkets, other shops and residential houses within walking distance.
- The applicant was aware there had been concerns in the area in the past later at night.
- The application was for the hours 08.00 hours to 21.00 hours, and was therefore exempt from Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024) although the premises is located with the Sutton Town Centre Cumulative impact zone;
- The hours of the application had been reduced to 08.00 hours - 21.00 hours following discussion with responsible authorities.
- There had been no comments from the police or the Licensing Authority relating to a pre submission which had been submitted.
- A detailed, bespoke risk assessment had been carried out.
- The conditions offered by the applicant were enforceable and were not standardised.
- The concerns raised in the valid representations did not relate to the premises in the application.
- A Statement of Truth had been provided by the applicant, which included he had spoken to a local police officer, who informed the applicant there was not a concern of crime and disorder in the area.
- The agent outlined the conditions offered in the application and how these supported the licensing objectives.
- No more than 20% of goods on display would be alcohol.

The Sub-Committee clarified with the applicant:

- The current plan would include single units of alcohol being offered for sale. However, the applicant would be happy to offer that no single units of alcohol be sold as a condition.
- The Sub- Committee also confirmed with the agent that the applicant would be happy that alcohol of Alcohol by Volume (ABV) in excess of 6.5% would be stored, and sold from behind the servery counter as a condition.
- The applicant confirmed the shop would sell general grocery items with a bakery, and that this would include European and Polish dry foods.
- The panel discussed the plan and dimensions of the shop and the location of the fridges from which alcohol would be sold.
- The agent suggested that the numbers of school children who could be admitted to the store at any one time would not be restricted as the applicant would prefer to work to build relationships with his customers and avoid conflict. The agent stated the applicant was willing to install a barrier, namely a rope on two moveable metal poles to monitor/deter children from accessing the beer section as has been done at

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other clients of the agent's premises. The layout of these premises does not allow their client to separate a section for the shop as has been done at some other of their clients' premises.

The Chair drew attention to the written representations from other persons included within the agenda.

The Sub-Committee then heard a submission from Mr Andrew Zalewski, representative for the other person, the main points raised included:

- The applicant and agent did not live locally and were not aware of the conditions and concerns in the Sutton High Street area.
- The person who had made the representation had worked in the area for over 10 years and knew the area well.
- Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024) includes information that highlighted concerns with binge drinking, and resulting crime and violence in the town centre.
- There were a number of supermarkets in the area with licences, there should be an avoidance of duplication to create a diverse offering in the area.
- There were concerns of teenagers, and others hassling others to buy alcohol on their behalf in the area.
- If a premises sold alcohol until 21.00 hours, some of this would be consumed later therefore in the period covered by Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024).
- The plan showed the predominant items offered for sale would be alcohol.

The Sub-Committee clarified with the other person's representative:

- The other person who had made a valid representation managed a shop in the vicinity of the application which sold alcohol.
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In summary other person's representative confirmed:

- The current conditions in the High Street area differed from those in the pre lockdown period.
- The area already had a number of licensed supermarkets and there should be a diversity of offering in the area and space for all communities.

In summary the applicant's agent confirmed:

- The police had told the applicant, as reported in the statement of truth, that there were not issues of youths buying alcohol in the area.
- It was suggested that policy in place such as Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024) and CCTV upgrades in the High Street had been effective and concerns outlined in the Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024) in 2017 were now controlled.
- Nine responsible authorities had accepted the application without comment.
- The problems raised by the other person did not relate to the applicant.

Reasoning and decision

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In making their decision, the Sub-Committee considered the merits of the application and had regard to the Council's Statement of Licensing Policy and guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Sub-Committee considered the steps which were appropriate and proportionate to promote the licensing objectives, and after taking account of all relevant issues that had been raised in the application and by the written and verbal representations, decided to GRANT the application for a new premises licence subject to conditions as set out below.

The Sub-Committee had regard to the relevant written and verbal representations from Other Persons which raised concerns relating to the prevention of crime and disorder, public nuisance and the protection of children from harm licensing objectives. The Sub-Committee considered the measures in place to promote the licensing objectives.

In addition to the paragraphs set out in the report the legal advisor drew the Sub-Committee's attention to paragraph 10.15 of the Home Office Guidance which states that shops, stores and supermarkets should normally be free to provide sale of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The Sub-Committee noted that the police had not offered an objection to the application. The Sub-Committee were aware from their local knowledge that the police had not patrolled the High Street area for sometime prior to November 2020 due to recruitment issues. The Sub-Committee also drew attention to the fact that a local PC approached by the applicant may not have been aware of all issues within the area.

The hours in the application had been reduced from 22.00 to 21.00 following consultation and advice from Responsible Authorities. Therefore the application did not engage the Council's Special Policy on Cumulative Impact although the premises were contained within the cumulative impact and saturation zone as set out in Sutton's Cumulative Impact Assessment (Statement of Licensing Policy 2019-2024).

The applicant and agent had been accommodating to suggestions from the Sub-Committee, and had offered solutions, such as offering a barrier to reduce children's access to the area selling alcohol. The applicant had also agreed to the inclusion of no single unit sales of alcohol, the panel suggested that this could deter sales to street drinkers, beggars and children, as the costs of buying multi packs would be higher. The Sub-Committee noted that the counter was located at the front of the shop and the applicant had planned to store spirits behind the counter but would offer the condition that all alcohol ABV 6.5% be sold from behind the counter. The applicant had explained he did not wish to limit the number of children in the shop at any one time.

The Sub-Committee noted the premises in the application was located in close proximity to the Sutton Green no alcohol area.

The Sub-Committee noted its powers on a review. Should any problems arise following grant of the licence; a review application can be submitted by any person.

Decision - Euro Poli, 192 High Street, Sutton, SM1 1NR

The Sub-Committee decided to GRANT the application for a new PREMISES LICENCE subject to conditions, as follows:

To permit the supply of alcohol for consumption off the premises:
Monday to Sunday: 08.00 hours - 21.00 hours

with opening hours of the premises as follows:

Monday to Sunday: 08.00 hours - 21.00 hours

Subject to the conditions set out below including four additional conditions imposed by the Sub-Committee, and subject to the applicant submitting an amended plan within 7 days which is agreed as satisfactory by the Licensing Officer in consultation with the Chair of the Sub-Committee.

Mandatory Conditions.

The licence would be subject to the mandatory conditions laid down in the Licensing Act 2003 (this information will be available to the Sub-Committee meeting)
Conditions arising from applicant's Operating Schedule

The Prevention of crime and disorder

Closed- Circuit television

- a) The premises shall install and maintain a digital Closed-circuit television (CCTV) system
- b) The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.
- c) The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.
- d) A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.
- e) All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
- f) CCTV shall be continually recording during licensable hours
- g) In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

Incidents/Refusals Register

An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act (2003), an authorised trading standards officer or the police, and must record the following;

- (a) All crimes reported to the premises (where relevant to the licensing objectives)
- (b) Any incidents of disorder
- b) When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.
- c) A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

Security, general

- a) All spirits will be stored and sold behind the counter

b) Roller shutters are in operation at the front of the premises

General, policies

a) The premises will have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

b) The premises will follow the Portman Group Code of Practice during any drinks promotions held at the premises.

The prevention of public nuisance

Notices

a) Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. (Quiet Notice)

Deliveries

a) Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time that will not lead to any public nuisance.

Litter

a) The premises Licence holder/ Designated Premises Supervisor will ensure that all litter arising from people using the premises is cleared away daily.

b) A litter log book will be kept to record the timings of all litter checks.

The protection of children from harm

Proxy sales

a) Proxy signs will be on display warning adults about the law surrounding buying alcohol for children

b) Staff will monitor the outside area to identify any potential proxy purchasing concerns.

Challenge 25

a) The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person'

b) Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

c) Only a passport, photo-card driving licence, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram should to be accepted as proof of age.

d) Alcohol refusals policies will be displayed at the entrance of the premises, the point of display and the point of sale.

e) All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand.

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f) A documented training procedure will be maintained to ensure staff are fully trained in age verification, including induction and regular refresher training with signed records kept of that training;

g) The use of till prompts in shops together with appropriate warning notices being displayed at alcohol fixtures will be kept at all times

Staff

a) No person under the age of 18 will be employed to work at the premises

Additional conditions offered by the applicant during the meetings and imposed by the Sub Committee:

- No single units of beers, lagers, ales or ciders shall be sold or offered for sale at the premises.
- The premises licence holder shall ensure that any beers, lagers, ales or ciders with an Alcohol by Volume (ABV) in excess of 6.5% will only be displayed behind the servery counter.
- Beer is to be stored in the rear fridge (no alcohol is to be stored in the front fridge) and a roped barrier(s) installed to separate the fridges containing beer with a view to prohibiting children from accessing those fridges.
- No more than 20% of the goods on display for sale at the premises shall be alcoholic drinks.

An amended plan is to be provided by the applicant within 7 days of the meeting on 18 May 2021. The amended plan must show the amendments above and be agreed as satisfactory by the Licensing Officer in consultation with the Chair of the Sub-Committee before the licence commences.

7. ANY URGENT BUSINESS

There was no urgent business.

The meeting ended at 11.08 am

Chair:

Date: