

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

WEDNESDAY, 20TH MAY, 2020

EXPEDITED REVIEW

THIS MEETING WAS RECORDED AND IS AVAILABLE TO VIEW ONLINE

Councillors Present: Councillor Peter Snell in the Chair

Cllr Harvey Odze (Substitute) and
Cllr James Peters (Substitute)

Officers in Attendance: Amanda Nauth (Licensing and Corporate Lawyer),
Mike Smith (Principal Licensing Officer), Natalie
Williams (Governance Services Officer)

Also in Attendance: PC Neal Hunwick – Metropolitan Police
Mr Sajjad Popal – Licensee Topaloglu Food and
Wine

Natalie Williams, Governance Officer opened the meeting and outlined the remote licensing hearings protocol to be followed by all participants.

1 Election of Chair

1.1 Councillor Snell was duly elected to Chair the hearing.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Licensing Sub-Committee Hearing Procedure

4.1 The Chair outlined the hearing procedures to be followed by all participants as detailed in the agenda pack.

5 Application for Review: Interim Steps Pending Full Review - Topaloglu Food and Wine, Kingsland Road, E8 4AE

5.1 Mike Smith, Principal Licensing Officer outlined the report in respect of an expedited review application, which had been called by the Metropolitan Police to consider whether it is necessary to take interim steps to address alleged serious crime and disorder. It was noted that the Licensee had submitted a response which had been circulated to all parties prior to the hearing.

5.2 PC Neal Hunwick, Metropolitan Police representative made submissions, during which he raised the following points:

- An incident took place on 12th May, where a member of the public spat on the window of the premises in question.
- A remonstrance between the member of the public, the licensee and his staff took place following the incident.
- The member of the public was attacked approximately 4-5 shops away from the premises and suffered GBH injuries including a broken nose and missing teeth amongst other injuries.
- A wooden pole and silver metal baseball bat was retrieved from the premises.
- The victim's clothes were seized and footmarks were found on his clothing, however action of being kicked does not appear on CCTV. Clothing will be submitted for forensic investigation.
- Some of the incident is captured on CCTV and mobile phone footage.
- Three staff members were released under investigation and the case will be passed to the CPS for decision on charges.
- The victim has consented for his medical records to be released, so checks will be made to verify the timespan of his injuries.
- It was confirmed that there have been no previous issues with the licensee and the running of the premises.

5.3 Mr Sajjad Popal licensee made submissions, during which he raised the following points:

- A male, spat on the shop window and was very aggressive toward staff. After leaving the premises he returns.
- He was not present for the entirety of the alleged attack outside the premises.
- He refuted that any baseball bats taken from the shop were used on the male in question. He explained that the wooden pole was a table leg for a table he was erecting in the shop, which holds electrical equipment.
- He did not touch the alleged victim or have any contact with him and did not leave the immediate parameters of his premises.
- The allegations made, do not match the CCTV footage.
- He is a reputable member of the community and is a responsible licence holder.
- The alleged victim is known to the licence holder and staff who have had to call the police due to a previous incident of non-payment. Following which the victim has repeatedly come to the shop displaying aggressive and threatening behaviour.

- He is happy to share any CCTV footage from his premises and has done so at the Police's request.
- A metal baseball bat was retrieved from the premises after the incident but was not used.
- He would be able to provide letters of support from the community in support of his character.

5.4 Following submissions, a discussion of the application ensued. The main points raised were:

- The licensee maintained that he had no physical contact with the victim.
- The licensee maintained that the wooden pole referenced is a table leg which will show his DNA as he was fixing a table inside the premises.
- The licensee explained that the wooden table leg will not show the victim's DNA as there was no contact.
- The licensee stated that the silver metal baseball bat although retrieved from premises was never taken out and used.
- The licensee called 999 as a result of a previous incident of non-payment approximately 2-3 months ago involving the male in question. He was given a reference number which he is unable to locate.
- There is no CCTV footage but possible mobile phone footage from this previous incident.
- The premises is located in the Dalston Special Policy Area
- PC Hunwick confirmed that he did not attend the scene of the incident at any point but has viewed all the CCTV and other footage.
- PC Hunwick confirmed silver metal baseball bat was not shown being used on CCTV but matches description of eyewitnesses.
- To say that the licensee was not present at the attack would be disingenuous to the CCTV footage.
- The licensee suggested the Police view the CCTV traffic cameras from the High Street which covers the front of his premises and neighbouring shops.
- The Sub Committee expressed concern that the evidence supplied from the Police was particularly sparse and requested further evidence specifically CCTV footage, mobile phone footage, witness statements and any forensic evidence at the summary review stage.
- It was noted that any forensic evidence is unlikely to be available at the review hearing as it should not be presented if the matter continued to be part of a live criminal investigation.
- PC Hunwick believed that there was sufficient evidence in the CCTV footage to implicate the licensee in the attack.
- PC Hunwick stated that it is still somewhat unclear what the wooden item used in the attack was, however, the metal item is confirmed to be a baseball bat.
- The licensee raised concerns about the lack of witness statements taken by the Police.
- The business was described as an off-licence and grocery shop that has a 24 hour licence, with the alcohol licence being an essential part of the business. The shop does not open later than 0300hrs.

- It was noted that the Licensee is also the Designated Premises Supervisor and sole shareholder of the holding company therefore to remove him would require the business to be sold.
- 5.5 During the closing remarks, Mr Popal, the licensee stated that he believed he was a victim in the incident. He explained his anguish at having someone spit at his premises during this time of the Covid-19 pandemic in addition to the ongoing harassment he and his staff have experienced, by the male in question.
- 5.6 During the closing remarks, PC Hunwick acknowledged that there has been no previous issue with the licensee or operation of the licence. Whilst it is understood there may have been some provocation, the Metropolitan Police retained the request for the Sub Committee to take interim steps as detailed in the agenda pack. It was noted that the Metropolitan Police's preferred option was the suspension of the licence.
- 5.7 **RESOLVED:** The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objective concerning the prevention of crime and disorder, and in particular the prevention of serious crime or disorder, have: Deferred their decision, pending the full review of the premises licence.

In making this decision, the Sub-Committee carefully considered the submissions from the Metropolitan Police regarding the incident and the alleged offences involving the Designated Premises Supervisor and his staff, and they considered the representations made by the licence holder.

The Sub-Committee considered whether the interim steps were necessary and appropriate for the promotion of the crime and disorder objective, however, on balance they felt the options available to them were not appropriate on the basis that there was not sufficient evidence of the likelihood of further crime and disorder occurring before a full review hearing.

The Sub-Committee decided not to implement interim measures at this time because they had insufficient evidence of an imminent threat to the licensing objectives pending the full review of the premises licence as the premises were likely to stay open for that period with or without an alcohol licence.

In assessing the likelihood of further crime and disorder occurring during the period before a full review can take place, the Sub-Committee also had regard to the absence of evidence of prior crime and disorder associated with these premises and the limited material available to them concerning the alleged offences. The Sub-Committee considered that they would be significantly better able to understand the incident on which the Metropolitan Police's application is based when presented with more extensive evidence at the full review hearing

6 Temporary Event Notices - Standing Item

- 6.1 There were no Temporary Event Notices for consideration.

Duration of the meeting: Times Not Specified

Signed

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Chair of Committee

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