

MINUTES  
OF A MEETING OF THE  
**LICENSING SUB-COMMITTEE B**

held on 26 October 2020

Present:

Cllr D Harlow (Chairman)  
Cllr M Ali (Vice-Chair)  
Cllr K Howard

**1. ELECTION OF CHAIRMAN**

Councillor D Harlow was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

**2. ELECTION OF VICE-CHAIRMAN**

Councillor M Ali was appointed Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

**3. APOLOGIES FOR ABSENCE**

There were no Apologies of Absence.

**4. MINUTES**

RESOLVED

That the minutes of the Sub-Committee held on 26 March 2019 be approved and signed as a true and correct record.

**5. DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**6. URGENT BUSINESS**

There were no items of Urgent Business.

**7. REVIEW OF A PREMISES LICENCE - N.H. CONVENIENCE STORES (TRADING AS 'COSTCUTTER'), 16 CHERTSEY ROAD, WOKING, GU21 5AB**

The Sub-Committee had before it a report regarding an application by Surrey Police for a Review of the Premises Licence held by N.H. Convenience Stores (trading as 'Costcutter'), 16 Chertsey Road, Woking. Peter Savill of Counsel attended the meeting to represent Surrey Police along with Sergeant Emmie Harris and Lesley Sumner, Licensing Enforcement Officer Western Division. The Premises Licence Holder, Jasbir Arora, attended the meeting alongside his son, Ricky Arora, to represent Costcutter.

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Licensing Sub-Committee hearings. The Chairman introduced Members of the Sub-Committee and outlined the order of speaking which would be followed at the hearing.

The Licensing Authority's representative, Derrick Laing, advised the Sub-Committee that the premises was a small, general store located in the Town Centre which was licensed for alcohol off-sales. The premises had been licensed since prior to 2005 and Mr Arora had taken responsibility for the premises in June 2019 and at the same time became the Designated Premises Supervisor (DPS). The role of the DPS was to ensure that alcohol sales were carried out in full compliance with the legislation and was therefore legally responsible for any licensing breaches. On 7 September 2020 the Licensing Authority received a request for the review of the licence from Surrey Police following failed test purchases at the premises.

The representatives from Costcutter and Surrey Police stated that they had no questions for Mr Laing. Following a question by Councillor Ali it was confirmed that the failed test purchases had occurred post June 2019. Following a question by Councillor Howard over how the two statements from PC Hugo Hubbard regarding assault on a Police Officer and Anti-Social Behaviour were connected to the Store, it was noted that the question should be dealt with by Surrey Police as they would have the detail of the incidents available.

The Chairman gave Mr Savill the opportunity to address the Sub-Committee. Regarding the two aforementioned statements, it was stated that both related to the same incidents, which had been drawn out over a period of time. Mr Savill stated that Mr Arora was the Premises Licence Holder and the DPS and so there was no argument that he was responsible for the activity inside the store, noting that there had been a high number of cases referred to the Police since June 2019. The view of the Police was that the Store should not sell alcohol to intoxicated people who could then proceed to conduct anti-social behaviour or violence towards the Police. The Sub-Committee was referred to the two failed test purchases on 3 August 2020 and 27 August 2020 which had resulted in the sale of alcohol to underage persons. No age-related checks had been taken and, despite the current Covid-19 social distancing guidelines, the wearing of a face covering should not prevent the checks being carried out. A dialogue had been held between the premises and the Police on 17 August 2020 at which it was stated that the staff member who had made the sale on 3 August 2020 had been dismissed. For the incident on 27 August 2020, it was stated that Mr Arora had made the sale. Mr Savill stated that the guidelines from the Secretary of State required the Sub-Committee to seriously consider revoking the Premises Licence as it had resulted in criminal activity relating to underage sale of alcohol. No consideration was required of any resulting financial hardship as the role of the Sub-Committee was to promote the Licensing Objectives.

Mr Savill offered to show the Sub-Committee body worn footage of the incident relating to the assault on a Police Officer, however Members felt that the footage was not required given the detail provided in the statements submitted by Surrey Police.

Both Mr Laing and the representatives from Costcutter stated they had no questions for Surrey Police.

Councillor Ali referred to the list of incidents on page 22 of the agenda pack including one on 28 August 2020 whereby a disturbance ensued following the store refusing to sell alcohol to a male person, which Mr Arora had reported to the Police. It was noted that there were other similar incidents included in the list. Regarding the failed test purchases, it was noted that Mr Arora had accepted the incidents and that the store had been at fault. Following a question to Mr Savill, it was noted that the guidance from the Secretary of

State stated that certain issues occurring at licensed premises should result in serious consideration being given to the revocation of the premises licence, even in the first instance, for example underage sales of alcohol.

Councillor Howard referred to the two statements from PC Hubbard and stated that it was unclear whether the members of public concerned had been purchasing alcohol exclusively from Costcutter or elsewhere. Sergeant Harris reported that when the two members of public were stopped in the street they had been intoxicated and that she had viewed the CCTV which showed them drinking from open cans whilst intoxicated. They had both stated they had purchased the cans from Costcutter and stated they would go back there to buy further alcohol, and at the point they entered the store the arrests were made. Mr Savill added that it was clear from the statements that they were street drinkers who had stated they had purchased alcohol from Costcutter.

The Chairman gave Jasbir Arora, the Premises Licence Holder and DPS, and Ricky Arora the opportunity to address the Sub-Committee. Jasbir Arora stated that he apologised for the failed test purchases and felt guilty that they had occurred. He said that a member of staff had resigned from store following being threatened by a person with a bottle after refusing to sell that person alcohol. On the occasion where had sold alcohol to an underage person, he stated that he had been alone in the shop at the time which was busy and had received a large delivery from Costcutter. He had received a phonecall from the milk provider at the time and so his attention had been divided. Following this incident, he stated that he notified the Police of disturbances taking place. Ricky Arora stated that there were three or four incidents each week in Chertsey Road and when notifying the Police he was concerned that the store's reputation might be affected if outside close to store. Apart from the failed test purchases, he stated that the store was always asking for presentation of ID and that a number of people had been banned from coming into the store. If the Store refused to sell alcohol to someone, that person could ask someone else to purchase the alcohol on a proxy basis.

Following a question by Mr Laing, Ricky Arora stated that he had not reported to the Police the incident mentioned whereby a person threatened a member of staff with a bottle following a refusal to sell alcohol to that person.

Following question by Surrey Police regarding the steps taken to prevent proxy sales, Ricky Arora stated that a member of staff was watching outside to see groups walking around. It was stated no-one was carrying this out on 3 or 27 August when the test purchases failed as they had occurred in the morning at which time there was just one member of staff on duty.

Following questions by Councillor Ali, it was stated that two test purchases had been undertaken, both of which failed. Regarding the store's responsibility to deal with proxy alcohol purchases, Mr Savill stated that licensed premises should set a strategy to deal with this serious issue to avoid alcohol being passed to a youth, as far as was possible. The Police did not agree that sufficient strategies were in place to prevent proxy sales from happening.

Following questions by Councillor Howard, it was noted that the reason of the Review was the failed test purchase as opposed to proxy selling, which was noted as having been raised by the representatives from Costcutter.

Following a question by the Chairman regarding the licensing principle of challenging the age of young people as required, Mr Arora stated that a refusals book was held and staff would always make challenges and look out for any fake ID.

Mr Laing and Mr Savill stated that they had no closing statements to make. Mr Arora stated that the Police had been made aware by the store of 90% of people who had been causing problems and had banned a number of people as a result. He asked the Sub-Committee for support and stated that the Store would continue to advise the Police of issues taking place outside the premises.

The Chairman adjourned the meeting at 8.05pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 8.30pm.

The Chairman stated that having read the reports and considered the arguments, taking into account the licensing objectives, statutory guidance, legislation and Woking Borough Council's Licensing Policy, the Sub-Committee had decided to remove Mr Jasbir Arora as the Designated Premises Supervisor for Costcutter and to require CCTV to be installed to the premises covering the area around the main entrance, which would assist the Licence Holder to comply with the Licensing Objectives.

It was added that the premises would have the Right of Appeal to the Magistrate's Court within 21 days from the day on which the appellant was notified of the decision. This decision would not take effect until the end of the Appeal period or, if the decision was to be appealed, the date of which the Appeal was disposed of.

**RESOLVED**

That the Designated Premises Supervisor for Costcutter be removed and that CCTV be installed covering the area around the main entrance, which would assist the Licence Holder to comply with the Licensing Objectives.

The meeting commenced at 7.00 pm  
and ended at 8.30 pm

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_