

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE A

held on 1 August 2018

Present:

Cllr H Addison (Chairman)
Cllr I Eastwood (Vice-Chairman)
Cllr C Rana

Apologies: Councillor R Mohammed

1. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 21 June 2018 be approved and signed as a true and correct record.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. REVIEW OF A PREMISES LICENCE - HARRY'S STORE, 2 WALTON ROAD, WOKING

The Sub-Committee had before it a report regarding an application by Surrey Police for a Review of the Premises Licence held by Harry's Store, 2 Walton Road, Woking. Peter Savill of Counsel, Sergeant James Wyatt and Geanine Crowley attended the meeting to represent Surrey Police. Representations had been received from Trading Standards and Woking Borough Council's Anti-Social Behaviour Officer, Emma Ibrahim, who was also in attendance. The Premises Licence Holder, Pavendeep Dhesi and her father, Sarwan Dhesi attended the meeting to represent Harry's Store.

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, Matthew Cobb, advised the Sub-Committee that in the report the current licensed hours of operation were set out at paragraph 2.2. An error was noted for the sale of alcohol on Sunday as the opening hours were from 10.00 hours to 22.00 hours. The Committee was referred to paragraph 7.4 which set out the options for the Sub-Committee in determining the matter. The Police had no questions for Mr Cobb. Following a question by Ms Dhesi, it was noted that the original licence passed to the Store contained an end time for the sale of alcohol of 23.00 hours, however the error had recently been corrected and was not a matter for the Sub-Committee to consider at the hearing.

The Chairman gave Mr Savill the opportunity to address the Sub-Committee. Mr Savill referred to the guidance from the Secretary of State on the Licensing Act 2003, which stated that Licensing Authorities had a duty to take steps to promote the licensing objectives in the interests of the wider community. The selling of alcohol to minors was stated to be an offence for which revocation of a premises licence should be considered, even in the first instance. He stated that Harry's Store had sold alcohol to minors on three occasions which had led Surrey Police to recommend that the Premises Licence should be revoked. In addition, he stated that a number of the conditions set out on the licence had been breached for which there was no excuse, such as training records, refusal log and incident log. Mr Savill concluded by stating there had been a root and branch failure at Harry's Store and urged the Sub-Committee to revoke the licence.

The Premises Licence Holder had no questions for Surrey Police.

Councillor Eastwood referred to the refusals log which had been completed by someone who did not work at the store and Ms Dhesi stated that it was a family friend who had been assisting her parents as their English was not good. Councillor Eastwood stated that the log had not been filled in comprehensively and it would not enable staff to again recognise someone who had been refused alcohol due to their age.

The Chairman gave Ms Dhesi the opportunity to address the Sub-Committee. Ms Dhesi stated that she had made a mistake not being at the premises at all times, however her brother was qualifying for his Personal Licence and would be able to assist in the future. She stated that since 29 June 2018 she had been working at the venue every day from 08.00 hours to 22.00 hours, and that it was a family business and so she did not want to lose the ability to sell alcohol. She referred to the failed test purchases, stating that they were unfortunate as her parents were working at the shop, with none having occurred since 2015. She stated that it was difficult to judge the age of girls as they often wore make-up. She had since undertaken training with her parents and her brother which would be reviewed every three months, and had brought the training logs to the hearing. She stated that Challenge 25 was in operation at the store and that the Refusals Log was now being correctly filled in. Staff from the store picked up litter outside the shop and asked people to move on if they were being a nuisance to the neighbours. The Store had been closing at 22.00 hours on Fridays and Saturdays in recent times and Ms Dhesi assured the Sub-Committee that the changes were in hand and the problems would not be repeated.

The Licensing Authority's representative had no questions for the Store. Following a question, Mr Cobb clarified the link with Harveys and Harry's Store, noting that Harry's Store had previously accepted the same licence conditions as Harveys in October 2007.

Following questions by Mr Savill, it was noted that the Store was now operating Challenge 25 and before that Challenge 21. The reason the test purchases had been failed was due to Ms Dhesi's father believing the purchasers were over the age of 18, and both her parents had been asked to request ID. It was stated that the Refusals Log appeared to be an inaccurate document and Ms Dhesi confirmed that she was aware of the conditions of her licence, taking full responsibility herself. Mr Savill stated that after the first test purchase it was clear that no attempts were made to ensure that the licence conditions were fully complied with. At a meeting with Surrey Police Ms Crowley had asked Ms Dhesi to bring all relevant documents, however the training logs had not been made available.

The Sub-Committee noted the representations made by Trading Standards and Woking Borough Council's Anti-Social Behaviour Officer.

Councillor Eastwood referred to the CCTV at the store which was stated to be checked regularly. Challenge 25 signs were stated to be on display at the store.

The Chairman gave those present the opportunity to make closing statements.

Mr Savill stated that he found the attitude of the Premises Licence Holder to be surprising and the failed test purchases were the responsibility of Ms Dhesi, whom he stated did not appreciate how serious three failed test purchases were. He stated that the steps promised by the Licence Holder relating to the Refusals Log and the Training Log should have been in place all along. There had been multiple breaches of conditions and the Police had no confidence going forward. Mr Savill urged the Sub-Committee to revoke the Premises Licence.

Ms Dhesi stated that she understood she had made mistakes, which were unfortunate and not intentional, and that steps were being put in place to make sure they did not re-occur. She reiterated that the family was committed to the business and her brother now held a Premises Licence, with at least one family member to be in the shop during opening hours. She asked the Sub-Committee for a second chance.

The Chairman adjourned the meeting at 11.30am. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 11.50am.

The Chairman stated that having read the reports and considered the arguments, the Sub-Committee had decided to revoke the Premises Licence. The Sub-Committee had taken into account the Secretary of State guidance and the Licensing Objectives, particularly the Protection of Children from Harm and the Prevention of Crime and Disorder. The Chairman stated that the Sub-Committee was extremely concerned that there had been two failed test purchases within two months of each other and three within three years. It was added that the premises would have the Right of Appeal to the Magistrate's Court within 21 days.

RESOLVED

That the Premises Licence held by Harry's Store be revoked.

5. REVIEW OF A PREMISES LICENCE - BUDGENS, 1 CHERTSEY ROAD, WOKING

The Sub-Committee had before it a report regarding an application by Surrey Police for a Review of the Premises Licence held by Budgens, 1 Chertsey Road, Woking. Peter Savill of Counsel and Geanine Crowley attended the meeting to represent Surrey Police. A representation had also been received from Trading Standards. A representation in support of Budgens had been received from Welcome Skills.

The Premises Licence Holder, Nurul Islam, was not in attendance at the hearing. The Council's Solicitor, Joanne McIntosh, advised the Sub-Committee that a representation had been received a few days before stating that Mr Islam could not attend due to a medical appointment with a nurse at town centre based surgery at 10.30am. No reason for the medical appointment being the same day as the hearing had been given, and Mr Islam had previously been informed of the start time for the hearing which was midday. The Sub-Committee was advised that it could proceed in Mr Islam's absence or adjourn to a future date. Both the Licensing Authority and Surrey Police expressed the view they wished to

proceed in absence. The Sub-Committee agreed that the hearing should proceed in his absence.

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, Matthew Cobb, advised the Sub-Committee that in the report the current licensed hours of operation were set out at paragraph 2.2. An error was noted for the sale of alcohol on Sunday, as the opening hours were from 10.00 hours to 22.00 hours. The Committee was referred to paragraph 7.4 which set out the options for the Sub-Committee in determining the matter. The Police had no questions for Mr Cobb.

The Chairman gave Mr Savill the opportunity to address the Sub-Committee. Mr Savill referred to the guidance from the Secretary of State on the Licensing Act 2003, which stated that Licensing Authorities had a duty to take steps to promote the licensing objectives in the interests of the wider community. The selling of alcohol to minors was stated to be an offence for which revocation of a premises licence should be considered, even in the first instance. He stated that Budgens had sold alcohol to minors on three occasions which had led Surrey Police to recommend that the Premises Licence should be revoked. It was added that Budgens had not taken its responsibilities seriously with no training having taken place between failed test purchases, mention of a rogue employee in a representation received from the store, and breaches of licensing conditions. Mr Savill referred to the three failed test purchases and urged the Sub-Committee to revoke the licence.

Councillor Eastwood referred to the representation from Surrey Police which stated that during a visit on 6 April 2018 it was found that there were no training records for any staff and that the refusals log was not used regularly as it was not to hand when requested. He stated that it was disappointing that neither the Premises Licence Holder or a representative from Budgens had attended the hearing, noting that it was operated as a franchise.

The Chairman added that the Premises Licence Holder did not seem to be taking the matter seriously and had not advised that the medical appointment with a nurse had been an emergency.

No closing statements were made by those parties present. Mrs McIntosh reminded the Sub-Committee that a representation from Welcome Skills on behalf of Mr Islam had been appended to the report as Appendix 6.

The Chairman adjourned the meeting at 12.10pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 12.20pm.

The Chairman stated that having read the reports and considered the arguments, the Sub-Committee had decided to revoke the Premises Licence. The Sub-Committee had taken into account the Secretary of State guidance and the Licensing Objectives, particularly the Protection of Children from Harm. The Chairman stated that the Sub-Committee was extremely concerned that there had been two failed test purchases within two months of each other and three within three years. The Sub-Committee was incredibly disappointed that the Premises Licence Holder had not attended the hearing given the serious nature of

the matter. It was added that the premises would have the Right of Appeal to the Magistrate's Court within 21 days.

RESOLVED

That the Premises Licence held by Budgens be revoked.

The meeting commenced at 10.30 am
and ended at 12.25 pm

Chairman: _____

Date: _____