

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE B

held on 20 November 2018

Present:

Cllr D Harlow (Chairman)
Cllr M Ali Cllr K Howard

1. APPOINTMENT OF VICE-CHAIRMAN

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

2. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 12 September 2018 be approved and signed as a true and correct record.

3. DECLARATIONS OF INTEREST

None.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. APPLICATION FOR A PREMISES LICENCE - BUDGENS, 1 CHERTSEY ROAD, WOKING

The Sub-Committee had before it a report regarding an application for a new Premises Licence for Budgens, 1 Chertsey Road, Woking, for which an objection had been received from Surrey Police. Mr Khan-Sherwani, joint applicant for the Premises Licence with Mrs Chowdhury, attended the meeting. Ms Crowley from Surrey Police attended the meeting as the objector to the application.

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, Mr Cobb, summarised the report that was before the Sub-Committee, stating that the application was for the sale of alcohol (off sales only) to take place between Monday and Saturday from 07.00 hours to 23.00 hours, and on Sunday from 08.00 hours to 22.30 hours. Since the report had been published Mr Khan-Sherwani had put himself forward to be the new Designated Premises Supervisor.

Following a question by Cllr Howard regarding mention in the report of The Red Fort at paragraph 11, it was noted that the premises being investigated by the Licensing Authority for contravention of its Premises Licence. The Premises Licence Holder was stated to be Mr Islam and Mr Sherwani-Khan was acting for him as a legal adviser from Welcome Skills. Following a query by Cllr Ali, the Council's Solicitor Mrs McIntosh confirmed that the Sub-Committee was permitted to take into account the information provided regarding The Red Fort and it was a matter for the Sub-Committee as to the weight given to it.

Following a question by Cllr Ali, Ms Crowley advised that Budgens had failed one test purchase for the sale of alcohol to children in 2015 and two in 2018, which were within three months of each other.

A witness statement from Ms Crowley had been tabled at the meeting, which contained proposed conditions to be added to the Premises Licence if the Sub-Committee was minded to approve the application. Ms Crowley confirmed that Surrey Police were recommending that the application be declined.

The Chairman gave the Applicant the opportunity to address the Sub-Committee. Mr Khan-Sherwani advised that he held no connection with The Red Fort other than as a legal advisor for Mr Islam. He confirmed that the Licensing Act 2003 had been breached at both premises.

In relation to Budgens, Mr Khan-Sherwani stated that he had three points to make: firstly to apologise for the three breaches that had taken place, noting that the staff member had been dismissed by Mr Islam at his request; secondly that he was aware the application before the Sub-Committee was very unlikely to succeed in light of the objection from Surrey Police; and that he had been due to purchase the store following attempts at conciliation with the Licensing Authority but was unlikely to complete due to their being no Premises Licence for the store.

Cllr Howard asked for the reason Mrs Chowdhary was listed as a joint applicant on the application form. Mr Sherwani-Khan advised that she was married to Mr Islam and had to be included on the application as the purchase of the property had not been completed.

Following a question by Cllr Ali, Mr Cobb stated that an email discussion had been held with Mr Sherwani-Khan, but due to it being a busy time of the year a meeting had not been able to be facilitated.

Mr Sherwani-Khan stated that following the Premises Licence being revoked by the Licensing Sub-Committee A in August 2018, an appeal had been lodged at the Magistrate's Court which had been dismissed on 26 September. It was noted that Surrey Police had visited the premises in the evening and had found alcohol still to be on sale.

The Chairman gave Ms Crowley the opportunity to address the Sub-Committee. Ms Crowley stated that there had been a number of issues with the Budgens premises such as failed test purchases, and alcohol found still to be on sale after the appeal hearing at the Magistrate's Court. Surrey Police held a concern over the applicants becoming the Premises Licence Holders due to their connection with the existing Premises Licence Holder. It was stated that if the application was approved Surrey Police felt that there was a high risk of alcohol being sold to children.

Following a question by Cllr Ali, the sequence of events regarding the Police's visit were outlined as set out in the witness statement from Ms Crowley.

No closing statements were made.

The Chairman adjourned the meeting at 7pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 7.05pm.

The Chairman advised those present that the Sub-Committee had taken into account the written representations before it, the oral statements made at the meeting, the Council's Licensing Policy and national guidance. She stated that the decision of the Sub-Committee was to refuse the application for a Premises Licence, having particular regard to the following licensing objectives: the protection and safeguarding of children from harm and crime and disorder. There was the right of appeal to the Magistrate's Court within 21 days.

RESOLVED

That the application for a Premises Licence be refused.

The meeting commenced at 6.30 pm
and ended at 7.10 pm

Chairman: _____

Date: _____