

Licensing Sub-Committee – Meeting held on Tuesday, 19th December, 2023.

Present:- Councillors Shah (Chair), Mohammad and Mohindra

Officers Present:- Mr Cryan (Legal Services), Mr Idowu (Licensing) and Mrs Kauser (Democratic Services)

PART 1

13. Declarations of Interest

None received.

14. Guidance on Predetermination/ Predisposition - To Note

Members noted the guidance on predetermination and predisposition.

15. Minutes of the Last Meeting held on 2 October 2023

Resolved – That the minutes of the meeting held on 2nd October 2023 be approved as a correct record.

16. Deco Bar, 277 High Street, Slough - Objection to Variation Application of Premises Licence

The Chair welcomed all parties to the meeting and explained the procedure for the hearing. It was confirmed that a copy of the paperwork had been received by all attendees.

Presentation by the Licensing Officer

Mr Idowu, Licensing Officer, presented the report to the Sub-Committee and confirmed that an application was submitted on 3 November 2023 for a variation of the premises licence to remove a condition that prevented Mr Sukhvinder Lall from entering or working at the premises.

The condition was added to the Licence following an application for a minor variation made by Thames Valley Police on 21 April 2022 after an incident that took place on 30 January 2022 when an individual was assaulted. Thames Valley Police objected to the variation application on grounds of crime and disorder and public safety.

Representations by Responsible Authority - Thames Valley Police

Ms Pearmain advised the Sub-Committee that Thames Valley Police (TVP) were objecting to the application to remove condition 40 from the licence as to do so would undermine the prevention of crime and disorder and public safety licensing objectives. It was then explained that Mr Lall had on 16th August

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2022 been found guilty of committing an assault on an individual who was being restrained contrary to section 39 of the Criminal Justice Act 1988.

Ms Pearmain also informed the Sub-Committee that the Police had had difficulty obtaining the video footage of the incident from the premises and that Mr Lall had denied kicking the restrained individual in the head. It was confirmed that the video footage was eventually provided.

The Sub-Committee were shown video footage of the incident and Mr Lall acknowledged that it showed him kicking the restrained individual in the head. It was confirmed that the restrained individual had hit the door with a baseball bat, had used CS spray and was found to have a knuckle duster and nunchucks in his possession.

Ms Pearmain indicated that TVP had concerns about the suitability of Mr Lall working at the premises, stating that on another occasion he had manhandled someone after ordering them to leave the premises. Ms Pearmain confirmed that incidents had been better handled since Mr Lall was no longer at the premises.

Sergeant Campbell set out details of the incident which took place on 20 January 2022 and expressed the concerns of the arresting officers that the application would undermine the licensing objectives of public safety and the prevention of crime and disorder.

Questions to Thames Valley Police

Members asked a number of questions which included whether there had been any other incidents at the premises involving Mr Lall. Ms Pearmain confirmed that although there had not been any other incidents involving Mr Lall; the nature of the incident had been serious enough to warrant the condition being placed on the premises licence to ensure that the licensing objectives of prevention of crime and disorder and public safety were not undermined.

Representations by the Premises Licence Holder

Mr Patel, Premises Licence Holder (PLH) gave evidence of how the condition placed on the licence had affected him and his family life. It had been almost two years since the incident had taken place and it was submitted that the business had suffered as a result of the incident.

Mr Lall also gave evidence in support of the application explaining that he regretted his actions, it was his first offence and it had never been repeated. He also explained that he had complied with the community service order and attended courses to improve his understanding. Mr Lall denied the manhandling allegation and said that it had not happened, stating that he was never questioned or charged over this incident.

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Following the incident Mr Patel informed the Sub-Committee that a new door security team had been employed and that any incidents would be dealt with better in the future. Door security would be asked to deal with incidents and if they struggled to do so the police would be called. It was also submitted that Mr Lall would remain inside the premises at all times.

Questions to the Premises Licence Holder

A Member asked what measures had been put in place to ensure a similar incident did not occur and details of training provided to staff. Mr Patel stated that all staff were given appropriate training and other measures included maintaining an incident logbook, ID scanner participating in the Pub Watch Scheme. It was noted that door staff were employed on Friday and Saturday only.

In response to what assurance could be given that Mr Lall would not react in a similar manner, Mr Patel stated that the door staff would deal with any incidents and that Mr Lall would remain in the premises.

Closing remarks

In closing Mr Idowu reminded Members that the legislation allowed the Licensing Authority to grant the variation application and modify the premises licence to remove condition 40 from the same or to reject the application in whole or part.

Summing up, Ms Pearmain requested that the application to remove the condition be rejected as it would undermine the licensing objectives. It was noted that the conviction would not be spent until 16 August 2024.

In summary, Mr Patel reiterated that Mr Lall had made a mistake and had expressed remorse and that measures had been put in place to prevent a similar incident from occurring.

Decision

The Sub-Committee considered all the evidence at their disposal and decided that it would reject the application for a variation to the premises licence to remove condition 40.

In making its decision, the Sub-Committee considered Section 34 of the Licensing Act 2003, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy 2019-2024, all the evidence before it and all the oral submission as well as the steps that were appropriate to promote the four licensing objectives. The Sub-Committee noted the serious nature of the assault which took place at the premises by Mr Lall, a licence holder and director of the business. Members concluded that it was not appropriate to remove the licensing condition preventing Mr Lall from entering or working at the premises.

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The Sub-Committee noted that the offence was not a spent conviction under the Rehabilitation of Offenders Act 1974 and that Mr Lall had not therefore completed his rehabilitation. The offence was sufficiently serious to mean that it was not appropriate to remove the licence condition prohibiting Mr Lall from entering or working at the premises as set out in the Licensing Officer's report, and rejected the application.

Chair

(Note: The Meeting opened at 1.45 pm and closed at 3.35 pm)