

Licensing Sub-Committee – Meeting held on Tuesday, 15th August, 2017.

Present:- Councillors Rasib (Chair), Davis and Wright.

Officers Present:- Mick Sims (Licensing Manager), Rachael Rumney (Senior Licensing Officer), Shabana Kauser (Senior Democratic Services Officer), Alison Peters (Legal Representative), Nabihah Hassan-Farooq (Democratic Services Officer)

PART 1

1. Declarations of Interest

Agenda Item 4, Grover Superstore, 2 Canterbury Avenue: Councillor Rasib declared that the premises were located in his ward. He stated that he would consider the matter with an open mind.

2. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

3. Minutes of the Last Meeting held on 16 January 2017

Resolved- That the minutes of the last meeting held on the 16th January 2017, be approved as a correct record.

4. Premises Licence Review - Grover Superstore, 2 Canterbury Avenue, Slough

The Sub-Committee considered details of a review of the Premises Licence for Grover Superstore, requested by the Licensing Authority under Section 5 of the Licensing Act 2003. It was noted that the review had been submitted by the Licensing Manager on behalf of the Licensing Authority.

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

Introduction by the Licensing Officer

Mrs Rumney, Senior Licensing Officer introduced the report and advised that a premises licence review for Grover Superstore, 2 Canterbury Avenue, Slough, SL2 1EQ was bought by the Licensing Manager on behalf of the Licensing Authority. Members were reminded of the relevant policy and legislative framework within which the matter had to be considered.

The Sub-Committee were advised that that the Licensed Premises had been subject to three separate seizures by Trading Standards Officers of illicit tobacco products, sale of alcohol to a minor and breach of mandatory

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premises licence condition on a CCTV system operating to the satisfaction of Thames Valley Police (TVP) and the Licensing Authority.

Questions to the Licensing Officer

Sub- Committee Members asked for clarification when Trading Standards had conducted an operation using the tobacco detection dog. It was noted that this had taken place in March 2017 and not May 2017 as stated in the report. It was also highlighted that the number of illicit tobacco products seized in September 2014 totalled 210 and not 2010 packs as referred to within the report.

Members also asked for clarification as to why appropriate measures had not been taken following the first incident at the premises in September 2014. It was advised that although Trading Standards had submitted an application for a review of the Premises Licence, this had not been actioned upon by the Licensing Team.

Representations by the Responsible Authority

Mr Sims, Licensing Manager outlined the reasons why a review of the Premises Licence had been submitted on behalf of the Licensing Authority. PC Shardlow of Thames Valley Police, Mr Adshead of Trading Standards and Mr Cooke of Trading Standards were also in attendance.

Members were informed that the grounds for the review related to three of the Licensing Objectives not being met, namely the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.

Details of the incidents and grounds for review were outlined:-

Tobacco and Food Infringements

9th September 2014. Trading Standards Officers seized illicit tobacco products, totalling 210 packets of cigarettes and 12 x 50g pouches of hand rolling tobacco. All items seized bore no English Department of Health warnings and no statutory pictorial health warnings.

24th September 2015. Trading Standards officers seized a quantity of pouches of chewing tobacco, Cutters Choice hand rolling tobacco, as well as out of date food products.

15th March 2017. An operation was undertaken by Trading Standards Officers, whereby a tobacco detection dog was taken to the premises and illicit tobacco products were seized. Officers seized 3x 50g pouches of Golden Virginia hand rolling tobacco, 5 x 50g pouches of Amber Leaf hand rolling tobacco, 4 packs of 20 L&M cigarettes and one pack of Marlborough Gold cigarettes, 7 packs of Benson and Hedges cigarettes, 7 packs of 20 John Player Gold Leaf cigarettes, 7 packs of Marlborough Gold cigarettes and one pack of 20 Pall Mall Blue cigarettes.

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Sale of Alcohol Infringements

21st November 2015. Following an underage test purchase at the Premises using two volunteers, a sale of alcohol took place to a 13 year old female volunteer and a 15 year old male volunteer. It was noted that the sale was conducted by the Designated Premises Supervisor (DPS) and neither of the volunteers were asked for identification, nor was any clarity on their age sought.

Other Infringements of Premises Licence Conditions

21st November 2015. Police Officers in attendance at the Licensed Premises noted that the CCTV system was displaying an incorrect time and that this constituted a breach of mandatory Condition 3 of the Premises Licence which required that the CCTV system to be working to the satisfaction of Thames Valley Police.

Given that Mr Grover had previously been served with two cautions, namely in February 2015 and February 2016, the Licensing Manager stated that in his view, there were no additional conditions that could be imposed on the Premises Licence that would prevent further criminal activities taking place at the licenced premises. Sub-Committee Members were requested to give serious consideration to issuing the premises with a Red Card in accordance with guidance issued by The Department of Culture, Media and Sport, and that the premise licence be revoked.

Questions to the Responsible Authority

The Sub-Committee sought clarification into the inspections that had been carried out at the premises. Members were informed that 2 visits prior to 2014 had been carried out at the premises, following which Mr Grover had removed himself as the Designated Premises Supervisor (DPS) and appointed his wife to this role.

Representations by Mr Grover, Premise Licence Holder

Ms Bal Sandhu of Justin Law Solicitors addressed the Sub-Committee, and stated that Mr Grover had operated the business for 11 years and this was the main source of income. It was noted that Mr Grover was a family man with three young children to support.

It was accepted that although sales of illegal tobacco products had been made by Mr Grover, he stated that he did not realise at the time of seizure that they were illegal products. It was submitted that since the seizures all goods were only purchased from wholesale cash and carry's to prove purchase.

Referring to the sale of alcohol to a minor, Mr Grover explained that the individual was very tall and did not look his age.

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Members were informed that the CCTV System at the premises had recently been updated. In addition, new members of staff had been employed, who had received the appropriate training, ensuring that regular identification checks were carried out.

Questions to the Premises Licence Holder

A Member questioned why the volunteers were not challenged for identification. Mr Grover advised that when the underage purchase test was conducted the volunteers appeared to look old enough to purchase alcohol and tobacco. Mr Grover stated that he would normally challenge customers but that on this occasion he was distracted by deliveries being made to the store.

It was put to Mr Grover that as the Premise License Holder it was his responsibility to be aware of what was going on at the store. Mr Grover advised that the subsequent tobacco seizures were left in an old stock cupboard and were there without his knowledge. He advised the Sub-Committee that he had asked his staff to remove these products from the premises, but that this had not been done. He also advised that he was not present at the Licensed Premises when the third seizure took place as he was busy with the arrival of his new baby and he had left the operational running of the Licensed Premises to his staff. The Sub-Committee were advised that those staff members had now been replaced and further training had been provided.

Ms Sandhu requested that having taken into account the changes made at the premises, the Sub-Committee consider imposing further conditions on the Premises Licence and that the Premises Licence not be revoked.

Summing up

All parties were provided with an opportunity to provide a summary.

The Senior Licensing Officer reminded the Sub-Committee of the options available.

Mr Sims reiterated that there were no further conditions that could be imposed on the Premises License that would address the concerns raised and that the Premise Licence be revoked.

Ms Sandhu requested that a warning be issued on this occasion, give that a number of changes had been implemented and that Mr Grover had demonstrated remorse for his previous actions. The Sub-Committee were reminded that any decision would need to be appropriate and in their view revocation was not suitable in the circumstances.

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Decision

The Sub-Committee took note of the three separate seizures of illegal tobacco products, the sale of the alcohol to a child and the breach of Premises Licence conditions regarding CCTV and considered the persistent nature of the illegal activities at the Licensed Premises to be of great concern.

In its view, there were no additional conditions which could be placed on the Premises Licence which would prevent future illegal activities, nor would a suspension of the Premises Licence be appropriate, given the nature of the infringements.

The Sub-Committee concluded that in order to uphold the Licensing Objectives the Premises Licence shall be revoked and the Licensed Premises issued with a Red Card.

Resolved- That the Premises Licence be revoked.

5. Premises Licence Application - Smarts Supermarket, 6 Upton Lea Parade, Slough.

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

The Applicant, Mr Dilpreet Singh Arora was represented by Mr Panchal of Personal Licence Courses Ltd.

Introduction by Mr Sims, Licensing Manager

The Licensing Manager outlined that an application had been received for Smarts Supermarket, 6 Upton Lea Parade, Slough for the:

*Supply of alcohol for consumption OFF the premises only:-
Monday to Sunday 08:00am -23:00pm*

The application was referred to the Sub-Committee for decision as a representation was received from an 'Other Persons'. The representation detailed concerns relating to;

- *The Prevention of Public Nuisance-* Anti-social behaviour, congregations of groups consuming alcohol in the area, frequent urination in the street, accumulation of litter and that the addition of another off-licence in the area would contribute to the problems raised.
- *The Protection of Children from Harm-* The representation raised concerns in relation to the intended off-licenses proximity to a nearby school.

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The Sub-Committee was advised that there had not been any representations made from any of the Responsible Authorities including the Police and Neighbourhood Enforcement Team or from any other persons.

The Licensing Manager outlined the options available to the Sub-Committee. Members were reminded that the application was for a new Premise Licence and that concerns regarding existing anti social behaviour could not be attributed to the premises.

Questions to the Licensing Manager

None.

Representations by the Applicant

The Applicant, Mr Dilpreet Singh Arora, was represented by Mr Panchal, who advised that the Applicant had three years experience in the running of licenced premises. Mr Panchal advised the Sub-Committee that the Applicant could not be held responsible for existing concerns in the area. It was noted that a number of measures would be implemented to promote the Licensing Objectives, including the display of CCTV posters, Challenge 25 Scheme, maintenance of a Refusals Register. All staff would be appropriately trained.

Questions to the Applicant

It was confirmed that all sales would be made through registered cash and carry's and all transaction receipts would be kept.

In response to whether consideration would be given to no sales of single cans of alcohol, the Applicant confirmed he would consider implementing the Bottle Watch or Marker Scheme and would welcome this as an additional condition on the Premises Licence.

Representations by 'Other Persons'

Mr Virk outlined his objections to the application and advised that he was previously employed at Virk's Stores, which was situated in close proximity to the proposed premises; but that he was no longer in employment there. Mr Virk advised that individuals had raised concerns with him but that he was disappointed that none had attended the meeting to raise these matters. Concerns were raised regarding groups of people congregating in the street and that new premises would compound the existing problems in the area. Mr Virk stated that in his view, the premises would not benefit the local area, especially given its proximity to a number of local schools.

Summing Up

Mr Sims advised that business rivalry was not a consideration that the Sub Licensing-Committee could consider and that the application be considered on its own merits in relation to the Licensing objectives.

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Mr Panchal confirmed his case as previously submitted, reinforcing that his Applicant would robustly promote the Licensing Objectives.

Following summing up, the parties left the meeting in order for the Sub-Committee to deliberate.

Decision

The Sub-Committee re-convened and all parties were asked to re-join the meeting.

Resolved – That a Premises Licence be issued for the Sale by retail of alcohol for consumption OFF the Premises only, Monday to Sunday: 08:00- 23:00, subject to an additional condition requiring that the premises participate in 'Bottle Watch' or 'Marker Scheme' in relation to the sale of alcohol.

Chair

(Note: The Meeting opened at 10.04am and closed at 12.07pm)