

## **Licensing Sub-Committee – Meeting held on Wednesday, 9th November, 2011.**

**Present:-** Councillors Dodds (Chair) and Rasib

**Officers Present:-** Mrs Kauser (Democratic Services) and Ms Okafor (Legal Services)

**Apologies for Absence:-** Councillor Long

### **PART 1**

#### **21. Declarations of Interest**

None.

#### **22. Minutes of the Meeting held on 22 September 2011**

The minutes of the meeting held on 22<sup>nd</sup> September, 2011 were approved as a correct record.

#### **23. Application for Premises Licence - Lebanese Flaming Grill, 2 Alpha Street, Slough**

Following introductions, the Chair explained the procedure for the hearing and confirmed with all parties that they had received a copy of the paperwork.

##### Introduction by the Licensing Manager

Members were informed that an application had been submitted by Mr AlSharif for a new premises licence to be known as Lebanese Flaming Grill at 2 Alpha Street, Slough. The original application was made for the licensable activity of late night refreshment between the hours of 2300 hours and 0400 hours Monday to Sunday. Following the submission of the application Thames Valley Police submitted a formal representation of objection to the application.

A mediation meeting was held with Thames Valley Police's Licensing Officer, Slough Borough Council's Senior Licensing Officer and Mr AlSharif. The hours of operation applied for as well as additional steps to be put in place to promote the four Licensing Objectives were discussed.

Members were informed that the Police had requested to reduce the terminal hour for the provision of Late Night Refreshment from 04.00 hrs to 01.00 hrs and for a number of conditions to be added to the premises licence.

Following the mediation process, Mr AlSharif agreed for the additional conditions requested by Thames Valley Police to be added to the premises licence with the exception to the request for door supervision. Following

## **Licensing Sub-Committee - 09.11.11**

further consideration the Police agreed to remove the request for two door supervisors.

Members were advised that no agreement could be reached with regards to the hours of operation. Mr AlSharif had submitted a proposal for reduced hours as a compromise; however Thames Valley Police did not accept the revised times which were as follows;

Sunday to Thursday 2300 hrs – 0200 hrs  
Thursday to Saturday 2300 hrs – 0300 hrs.

It was noted that no further representations from responsible authorities or interested parties had been received. Members were reminded of the relevant legislation and guidance that must be considered when determining the application.

### Questions to the Licensing Manager

None.

### Representations made by the Applicant

In addressing the Sub-Committee Mr AlSharif stated that he had taken over responsibility for management of the venue in April 2011 and submitted that the majority of his business would take place after 0100 hrs. It was stated that the request to provide late night refreshment until 0400 hrs only applied for Thursday, Friday and Saturday.

It was clarified that no alcohol would be sold and that a CCTV system would be installed at the premises. In addition an incident register would also be kept and the venue would be linked up to the Town Centre Radio. Mr AlSharif submitted that a number of venues within the local vicinity operated until 0300 hrs.

### Questions to the Applicant

A Member requested clarification with regard to the hours of operation and Mr AlSharif stated that in his opinion, Thursdays, Fridays and Saturdays were likely to be the busiest days of the week hence the request to operate until 0400 hrs. Mr AlSharif stated that should an incident of antisocial behaviour occur, he would allow the individual/s concerned to have the food rather than cause further aggravation. In addition Mr AlSharif reminded Members that should there be any problems associated with the venue, a review of the premises licence could be sought by any responsible authority.

### Representations on behalf of Thames Valley Police

Mrs Pearmain on behalf of Thames Valley Police explained why an objection to the premises application had been made. It was stated that the area was a magnet for antisocial behaviour especially after 0100 hrs. Allowing a

## Licensing Sub-Committee - 09.11.11

premises licence to sell food until the early hours of the morning would undermine crime and disorder and public nuisance objectives as stated within the Licensing Act 2003.

Members were provided with an account of the difficulties associated with the area by the Town Centre Manager, Sergeant Piper who stated that crime often occurred within this area and that he was very concerned about the possibility of another late night venue being allowed to serve food until the early hours of the morning. It was stated that should Members be minded to approve the application further than 0200 hrs Thames Valley Police would request that door staff be a condition on the premises licence.

### Questions to Thames Valley Police Representatives

A Member requested clarification with regards to the staggered hours policy within the High Street. Sergeant Piper explained that whilst a staggered policy was in place, allowing for venues to close at different times, in reality the majority of people were congregating outside the venues and in the High Street. It was reiterated that the possibility of another venue providing late night refreshment would exacerbate the difficulties within that area of the High Street.

### Summing Up

All parties were provided with an opportunity to provide a short summary after which they were asked to leave the meeting whilst the Sub-Committee deliberated.

### Decision

All parties were asked to rejoin the meeting.

**Resolved** – That a Premises Licence be granted as follows:

Late Night Refreshment: Sunday to Wednesday - 2300 hours to 0000 hours.  
Thursday to Saturday – 2300 hours to 0200 hours.

The Premises Licence was granted subject to the following additional conditions:

- To participate with the Town Centre Radio Scheme
- A nominated person is able to download any requested CCTV footage when requested by Thames Valley Police or the Licensing Authority
- An Incident Register to be maintained on the premises and all incidents of disorder at the premise and immediately outside to be recorded and the manager and member of staff involved to sign off each entry. The Incident Register to be kept for 2 years and made available to Thames Valley Police or the Licensing Authority when requested.

## **Licensing Sub-Committee - 09.11.11**

Sub-Committee Members considered the conditions to be necessary, reasonable and proportionate to address concerns relating to crime and disorder and public safety.

### **24. Review of Premises Licence - Roshni Food and Wine, 18 High Street, Slough**

All parties were welcomed to the meeting and the procedure for the meeting was outlined. It was confirmed that all had received a copy of the relevant paperwork.

#### Introduction by the Licensing Manager

Mr Sims stated that Thames Valley Police had requested a review of the premises licence. It was noted that the review related to the grounds relating to Crime and Disorder, and the Protection of Children from Harm. A number of additional conditions were being requested for by the Police and that the Premises be served with a Yellow Card warning.

An outline of the relevant guidance and policy was highlighted for Members consideration.

#### Questions to the Licensing Manager

None.

#### Representations made on behalf of Thames Valley Police

Mrs Pearmain, Thames Valley Police Licensing Officer stated that a review of the premises licence had been submitted due to:

- Alcohol being sold to a 16 year old boy during a test purchase operation
- Breach of Mandatory Condition 4 with regards to non compliance with age verification
- The named Designated Premises Supervisor (DPS) at the time alcohol was sold to an underage person was not at or on the premises.

An outline of the additional conditions requested by Thames Valley Police were highlighted, which included a reduction in the hours that alcohol could be sold and for the premises to participate in the Bottle Watch Scheme.

Sergeant Piper, Town Centre Manager also addressed the Sub-Committee and stated that there was a significant problem in this area with regard to litter and anti-social behaviour. It was noted that a Dispersal Order was enforced within the area and that this had been implemented due to the availability of cheap strong strength alcohol within the vicinity which had a direct impact on crime and disorder.

## **Licensing Sub-Committee - 09.11.11**

Mr Palacio, from the Neighbourhood Enforcement Team provided Members with an explanation of the bottle watch scheme was. Members were informed that cans of alcohol were marked with UV ink which would enable the responsible authorities to know where alcohol had been purchased from and if necessary take further steps with venues concerned.

### Questions to Thames Valley Police

None.

### Representations made on behalf of the premises licence holder.

Mr Chopra addressed Members of the Sub-Committee on behalf of Mr Sareen, the Premises Licence Holder. It was noted that Mr Sareen had obtained the premises licence in November 2010 and that a number of steps had been taken since the test purchase including suspending the individual who had made the sale of alcohol to the underage individual. The premises were also members of the Pub Watch Scheme and members of staff were made aware of the CCTV requirements and how footage was to be downloaded.

It was brought to Members attention that this was the first occasion on which a review of the premises licence had been sought. Mr Chopra confirmed that his client was in agreement for a terminal hour of 2300 hrs and that two members of staff would be at the premises from 1800 hrs until closing time. A Challenge 21 Scheme was already in place at the premises.

### Questions to the Premises Licence Holder

A Member asked when staff would receive the relevant training. Mr Chopra stated that this was in the process of being implemented and it was anticipated that it would be completed within a week. Mr Chopra confirmed that his client was aware of his obligations with regards to selling alcohol, especially refusing alcohol to individuals who were already intoxicated

### Summary

The Licensing Officer outlined the options available to the Sub-Committee and reminded members that any conditions needed to be necessary and proportionate with regards to promoting the Licensing objectives.

In summary Mrs Pearmain stated that in her view a suspension was appropriate in order for the conditions requested to be implemented.

Mr Chopra, on behalf of Mr Sareen, stated that suspension was not an appropriate response and that his client was fully aware of his responsibilities.

All parties were asked to leave the meeting whilst the Sub-Committee deliberated.

## **Licensing Sub-Committee - 09.11.11**

### Decision

All parties were asked to re-join the meeting.

Having carefully considered all the information submitted, the Sub-Committee decided that the following conditions be included on the premises licence:-

1. Sale of alcohol for consumption off the premises between 0900 hours and 2300 hours.
2. In the absence of the Designated Premises Supervisor (DPS), a Personal Licence holder to be on the premises during the sale of alcohol.
3. Two members of staff to be on the premises each evening from 1800 hours until close.
4. Challenge 21 Policy to be in place.
5. DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police or relevant Agencies.
6. To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
7. The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
8. The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained.
9. All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
10. The Designated Premises Supervisor or nominated person to attend the local Town Centre Pubwatch scheme where in existence.
11. No single cans of alcohol to be sold.

The Sub Committee also agreed that the premises licence be suspended until conditions 1 to 11 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and the Licensing Authority.

In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the

## **Licensing Sub-Committee - 09.11.11**

premises with a "Yellow Card". It was highlighted that if a further review was necessary and matters had not improved, the premises licence could be revoked.

The Sub Committee considered the conditions imposed to be necessary, reasonable and proportionate to address concerns relating to the prevention of crime and disorder and protection of children from harm.

### **25. Review of Premises Licence - Way to Save, 216-218 Farnham Road, Slough**

Following introductions, the Chair outlined the procedure for the hearing. All parties confirmed that they had received a copy of the relevant paperwork.

#### Introduction by the Licensing Manager

Mr Sims, Licensing Manager, stated that a review of the premises licence for the venue had been made by Thames Valley Police (TVP) on the grounds of crime and disorder and protection of children from harm. A number of additional conditions were being requested by TVP to be placed on the premises licence. It was noted that no representations had been made by any other responsible authorities.

#### Questions to Licensing Manager.

None.

#### Representations on behalf of Thames Valley Police.

TVP Licensing Officer, Mrs Pearmain explained the reasons why a review of the premises licence had been sought. On 4<sup>th</sup> August 2011 a test purchase operation was conducted at the premises, where alcohol was sold to a minor. It was requested that a number of additional conditions be imposed on the premises licence and that the premises licence be suspended to enable the conditions to be implemented.

Members also heard from PC Chohan, who was responsible for the area within which the shop was located. PC Chohan informed Members that he had witnessed individuals purchasing alcohol from the premises and then proceed to the public park nearby causing nuisance and anti-social behaviour.

Mr Palacio, from the Council's Neighbourhood Enforcement Team, stated that a number of complaints regarding anti-social behaviour, litter and nuisance in the area had been received. The Sub-Committee were provided with an explanation of how the Bottlwatch Scheme operated; namely cans of alcohol were marked with a UV marker which would allow identification to be easily made as to where they had been purchased from.

#### Questions to Responsible Authority.

## **Licensing Sub-Committee - 09.11.11**

Mr Panchal requested confirmation as to whether this venue had already agreed to participate in the Bottlewatch Scheme. Mr Palacio confirmed that the premises had agreed to be involved with the scheme.

Responding to how information relating to individuals purchasing alcohol and drinking in the nearby park was ascertained, PC Chohan stated that the Police Community Support Officer for the area had informed him that individuals were purchasing alcohol from this venue and consuming it in nearby roads.

### Representations by the Premises Licence Holder.

Mr Panchal, on behalf of the Premises Licence Holder Mr Arora, informed Members of the number of measures that had been taken since the test purchase operation. It was noted that the individual who had sold alcohol during the test purchase operation had been sacked and all remaining members of staff had received the relevant training. Furthermore, a Challenge 25 Scheme had already been implemented at the premises.

It was submitted that Mr Arora was fully aware of his responsibilities as a premises licence holder and that suspension of the premises licence was considered not to be appropriate in the circumstances of the case.

### Questions to the Premises Licence Holder

Responding to what measures had been put in place to prevent sale of alcohol to a minor, Mr Panchal stated that two members of staff had completed the relevant training, with three other members of staff booked to attend a course in the near future.

Clarifying whether staff could converse with customers in English, Sub-Committee Members were informed that all staff working on the tills were able to converse in English.

### Summing Up

All parties were given the opportunity to provide a summary.

Mr Panchal stated that whilst agreeing to the conditions proposed by Thames Valley Police, suspension of the premises licence was not considered to be a proportionate response.

All parties were asked to leave the room in order for the Sub-Committee to deliberate.

### Decision

Having carefully considered all the information submitted, the Sub-Committee decided that the following conditions be included on the premises licence:-



## **Licensing Sub-Committee - 09.11.11**

1. In the absence of the Designated Premises Supervisor, a Personal Licence holder to be on the premises during the sale of alcohol.
2. Designated Premises Supervisor or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police or relevant Agencies.
3. The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
4. Challenge 25 policy to be in place.
5. All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award or equivalent in Responsible Alcohol Retailing (ARAR).
6. To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
7. The Premises Licence holder to Designated Premises Supervisor shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained and made available upon request of Police, Trading Standards or Slough Borough Council Licensing Officers.
8. Two members of staff to be on the premises from 1800 hours until close.
9. Refusal Register to be in place, kept up to date and made available request of Police, Trading Standards or Slough Borough Council Licensing Officers.
10. No single cans of alcohol to be sold.

The Sub Committee also agreed that the premises licence be suspended until conditions 1 to 10 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and the Licensing Authority.

In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the premises with a "Yellow Card".

The Sub Committee considered the conditions imposed to be necessary, reasonable and proportionate to address concerns relating to the prevention of crime and disorder and protection of children from harm.

## **26. Review of Premises Licence - Harshini Food and Wine, Belgrave Parade, 9 Bradley Road, Slough**

## **Licensing Sub-Committee - 09.11.11**

Following introductions, the Chair confirmed that all parties had received a copy of the paperwork and explained the procedure for the hearing.

### Introduction by the Council's Licensing Manager

It was reported that a review of the premises licence had been sought by the Council's Trading Standards Team on the grounds of the prevention of crime and disorder, public safety and protection of children from harm. It was noted that in April 2011 counterfeit bottles of Jacobs Creek wine were found in possession for sale at the premises.

Members were reminded of the options available and the relevant guidance and legislation that must be taken into account when determining the matter.

### Questions to Licensing Manager

None.

### Representations by Responsible Authority

Mr Adshead, Senior Trading Standards Officer stated that following information the department had received, the premises were inspected in April 2011, where 25 bottles of counterfeit Jacobs Creek wine were seized. The bottles were examined by the Trade Mark owner and confirmed as counterfeit.

Members were reminded that the premises had already been subject to a review application in January 2011 where a number of additional conditions were imposed on the premises licence. In addition, a yellow card warning was also issued to the premises, warning that if a further review was necessary and matters had not improved, the premises licence may be revoked.

### Questions to Responsible Authority

A Member questioned whether there was a sell by date on the bottles seized. Mr Adshead explained that due to the fact that the bottles were counterfeit goods they did not have an expiry date on them. However, intelligence had suggested that they were being sold in November 2010.

### Representations by the Premises Licence Holder

Mr Rajeetharan submitted that the goods must have been part of the stock that he had inherited when he had purchased the shop and that he would make sure all future stock was checked carefully.

### Questions to the Premises Licence Holder

Mr Rajeetharan informed Members that he had purchased the business in 2008. A Member questioned where the stock for the business was purchased from. Mr Rajeetharan stated that whilst he normally purchased goods from the

## **Licensing Sub-Committee - 09.11.11**

cash and carry, the counterfeit wine was part of the stock he had inherited when he had purchased the business.

### Summary

Following a short summary from all parties, they were asked to leave the meeting whilst the Sub-Committee deliberated.

### Decision

All parties were asked to re-join the meeting.

Having carefully considered all the information available, the Sub-Committee decided to revoke the premises licence. In reaching this decision, Members were mindful that this was not the first occasion on which a review of the premises licence had been sought. In addition, Members were mindful that in January 2011 the premises were issued with a Yellow Card in accordance with Central Government Guidance.

Members were mindful of Government Guidance which stated that where a review application has been made for the same premises and there had been a lack of improvement the Licensing Sub Committee should look to revoke the premises licence. Members were of the view that the seizure of counterfeit goods at the premises undermined the licensing objectives relating to public safety and crime and disorder and given that the premises were already subject to a Yellow Card warning; revocation of the premises licence was a reasonable and proportionate response.

Chair

(Note: The Meeting opened at 9.30 am and closed at 2.55pm)