

Licensing Sub-Committee – Meeting held on Thursday, 26th April, 2012.

Present:- Councillors Dodds (Chair), Long and Rasib

Officers Present:- Mr Fullwood (Democratic Services), Tolani Idowu (Licensing Officer) and Agatha Okafor (Legal Services)

PART 1

20. Declarations of Interest

None were received.

21. Minutes of the Meeting held on 8 March 2012

The minutes of the meeting held on Thursday, 8th March 2012 were approved as a correct record.

22. Application to Vary Premises Licence - Co-Operative, 238-240 Trelawney Avenue, Slough

The Chair welcomed all parties to the meeting and outlined the procedure for the hearing. It was confirmed that all parties had received a copy of the agenda for the meeting.

Introduction by the Licensing Officer

Mr Idowu, Licensing Officer introduced the report on the application made by Co-operative Group Food Ltd, to vary a Premises Licence for 'Co-operative' at 238-240 Trelawney Ave, Langley, Slough, SL3 7UD.

The application to vary the licensable activities were outlined and it was explained that the authority had received no objections from local residents on the proposed variation.

Mr Idowu also briefly outlined the representations made by the responsible authorities. Ms Pearmain of Thames Valley Police had agreed with the premises request that CCTV footage would be kept by the premises for 30 days, instead of the usual 31 days due the system used by the Co-Operative. Further to this, it was explained that the licence holder application had been altered so that the times that the premises would supply alcohol would be changed to Monday to Sunday, 07.00 to 22.00.

Mr Idowu also outlined the representations made by Mr Palacio – Team Leader, Neighbourhood Enforcement. Mr Palacio had responded to the application and requested that the Council's "Can Marking Scheme" be made a formal requirement on the Premises Licence to enable alcohol cans and bottles to be linked to the premises and provide "prima-facie" evidence to enable investigation by the licensee to refuse sales to underage or individuals.

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The relevant guidance and policies were outlined for Members consideration. Options available to the Sub-Committee were also highlighted.

Questions to the Licensing Officer

Members asked questions of Mr Palacio regarding the appropriateness of imposing the “Can Marking Scheme” on the Premises Licence. Mr Palacio responded that the Neighbourhood teams had encountered Anti-Social Behaviour in the locality and it was his intention that the scheme be extended so that ‘prima-facie’ evidence on any premises selling alcohol to minors could be gathered.

A Member asked whether there was evidence if the premises in question had breached their licence so far, Mr Palacio explained that there was no evidence that this had occurred at this particular premises. However, it was explained that there were concerns about surrounding premises and that the Neighbourhood Enforcement team wished to work with the Co-Operative to extend the scheme to all premises in the area. The Co-Operative was currently taking part in the scheme as a voluntary measure.

Representations by the Premises Licence Holders

A legal representative of the Premise Licence Holders was in attendance. The representative outlined the steps taken by the Co-Operative to ensure that all licensing objective were adhered to and enforced. He explained that the premises has a ‘Challenge 25’ policy and there were usually at least three Premises Licence Holders on site at one time. He also outlined the amended hours in the application of Monday to Sunday, which were now 07:00 to 22:00.

The representative also outlined the Premises Licence Holder’s objections to the placing of the Council’s “Can Marking Scheme” as a formal requirement on the Premises Licence. It was argued that this condition would be difficult to enforce and it was not proportionate or necessary given that there had been no breach of the licence. It was also explained that the premises was currently taking part in the scheme voluntarily.

Questions to the Premises Licence Holder representative

In discussion with Members, a number of questions were asked of the Premises Licence Holders relating to their processes for ensuring that there were no sales of alcohol to minors. These were clarified further for the Sub-Committee.

With regard to the Council’s “Can Marking Scheme”, the representative reiterated the points made earlier. It was also explained that cans of alcohol already had batch numbers by which they could be identified and linked to a particular store, referring to a scheme currently followed in Durham.

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It was suggested by Ms Pearmain that it a condition could be placed on the Licence that the premises would be obliged to follow the 'Can Marking Scheme' if officially requested. The representative of the Premises Licence Holder stated that he was not in a position to agree this condition.

Summing Up

All parties were given an opportunity to provide a brief summary. The Licensing Officer outlined the options available to the Sub-Committee, the representations of Mr Palacio, and the amendments that had been requested by the Premises Licence Holder. The Sub-Committee's attention was drawn to section 182 of the guidance that any decision must be necessary, relevant and proportionate. The representative of the Premises Licence Holder did not take the opportunity to sum up.

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

Decision

Having carefully considered all the information available, the Sub-Committee decided to **grant the variation** of the premises licence subject to the relevant mandatory conditions consistent with the application made and those made by Thames Valley Police. These were as follows:

- (M) Supply of Alcohol (Off the premises only)
Monday to Sunday 07.00 – 22.00.
- (O) Hours the premises are open to the public
Monday to Sunday 06.00-23.00
- CCTV to be installed and maintained to Thames Valley Police standard and CCTV to be kept for 30 days and made available upon the request of Thames Valley Police employees and relevant agencies.
- 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 employees or relevant agencies.

In reaching this decision, Members considered the conditions to be necessary, reasonable and proportionate to address concerns relating to crime and disorder, public nuisance and public safety.

23. Review of Premises Licence - Alexandra Wines, Unit 4 Alexandra Plaza, Chalvey Road West, Slough

The Clerk informed the Sub-Committee that the Premises Licence Holder had contacted Democratic Services to request an adjournment of consideration of the matter. The Premises Licence Holder attended the meeting to give his reasons for requesting an adjournment. He had not been in the country so had not received papers notifying him of the hearing until three days prior to

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the meeting, and as such he did not have enough time to arrange legal representation.

Resolved – That consideration of agenda item 3 – Review of Premises Licence for Alexandra Wines – be adjourned to the next meeting of the Licensing Sub-Committee.

24. Review of Premises Licence - Drinks Direct Supermarket Limited, 256 High Street Langley, Slough

All parties were welcomed to the meeting and following introductions, the procedures for the hearing was explained. It was confirmed that all parties had received a copy of the relevant paperwork.

Introduction by the Licensing Officer

Mr Idowu informed Members that Drinks Direct Supermarket Limited operated under a premises licence which authorised the sale of alcohol at 08:00 to 23:00 on Monday to Saturday and 10:00 to 22:30 on Sunday. In February 2012 Slough Borough Council's Trading Standards Service had submitted an application for the Review of the Premises Licence on grounds of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.

The grounds for the Review Application were selling alcohol to an underage person, selling cigarettes to an underage person, selling fireworks in breach of the firework licence conditions, and found in possession for sale of counterfeit alcohol, condoms and batteries.

An outline of the relevant guidance and options available were highlighted for Members consideration.

Questions to the Licensing Officer

None

Representations on behalf of Slough Borough Council, Trading Standards

Jaspal Singh, Senior Technical Enforcement Officer, Trading Standards Service, submitted evidence to the Sub-Committee and the grounds for requesting a review of the premises licence. Mr Singh outlined a history of the premises, referring to a number of incidents relating to the sale of counterfeit items, sale of alcohol to underage persons and the sale of fireworks outside the permitted time period.

Mr Palacio, Team Leader, Neighbourhood Enforcement, explained that the BottleWatch Scheme enabled the police to identify where alcohol had been purchased from as products were marked with a UV marker which was specific to that premise.

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It was the recommendation of Slough Borough Council's Trading Standards Service that in light of these incidents, the premises licence be revoked.

Questions to Slough Borough Council, Trading Standards

Members of the Sub-Committee questioned Mr Singh on a number of points made in his submission. Mr Singh confirmed for the Sub-Committee that the incidents regarding the sale of counterfeit goods had taken place in 2007. The test purchase exercise in which alcohol was sold to an underage volunteer and the test purchase of fireworks outside of the permitted time period were both made in November 2011

Representations by the Premises Licence Holder

The Premises Licence Holder and his representative addressed the Sub-Committee. The representative stated that there was no evidence that counterfeit goods had been sold since the incident in 2007. Further to this, it was emphasised that this incident was an isolated one. The representative also submitted that the License Holder had made an error of judgment when making the sale of alcohol to an underage person and the sale of fireworks outside the permitted time period and that he would ensure rigorous checks were carried out in the future. The representative also presented a number of proposed conditions which related the installation of CCTV recording equipment and the Council's "Can Marking Scheme", which were noted by the Sub-Committee.

Questions to the Premises Licence Holder

In the ensuing discussion, the Premises Licence Holder and representative were questioned on the 2007 incident of sale of counterfeit items. The Licence Holder claimed at this time there was counterfeit alcohol being sold in the market, and he had been a victim of this. The representative emphasised that he was in the process of organising training for the staff at the premises so that the licensing objectives were enforced.

The Premises Licence Holder also submitted that he had already taken part in the "Can Marking Scheme" which was confirmed by Mr Palacio.

Summing Up

A short summary was provided by all parties following which they left the meeting in order for the Sub-Committee to deliberate.

Decision

All parties were asked to re-join the meeting.

Having carefully considered all the information available, the Sub-Committee decided to impose the following on the Premises Licence:

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1. The Premises Licence Holder is required to undertake the requirements of the Council's can-marking scheme.
2. CCTV to be installed and recordings to be kept for 31 days (compliant with Home Office regulations) and made available upon the request of Thames Valley Police or the Licensing Authority.
3. Staff to be trained on how to work the CCTV system where a staff member can download any potential evidence if required by Thames Valley Police or 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". 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.

Chair

(Note: The Meeting opened at 10.00 am and closed at 12.29 pm)