

LICENSING SUB-COMMITTEE

9th November 2011

LICENSING ACT 2003

WAY TO SAVE

216-218 Farnham Road, Slough, Berkshire,
SL1 4XE

Review of Premises Licence – **Number PL005516**
Application made by Thames Valley Police

1. CURRENT POSITION

- 1.1 Way to Save operates under a Premises Licence which is held by Mr Surjit SINGH. The Designated Premises Supervisor (DPS) at the time of a test purchase operation carried out at the premises on 4th August 2011 was Surjit SINGH who holds a Personal Licence number **H03118** issued by Hounslow.
- 1.2 The DPS is responsible for the day to day management of the premises.
- 1.3 The Premises Licence authorises the carrying out of the Relevant Licensable Activity – The sale by retail of alcohol for consumption OFF the premises only
- 1.4 The latest terminal hour for this Licensable Activities is 11.00pm and a copy of the current Premises Licence is attached at **APPENDIX 1**.

2. BACKGROUND INFORMATION

- 2.1 On 13th September 2011 Thames Valley Police submitted an application for the Review of the Premises Licence on the grounds of the Prevention of Crime and Disorder, and the Protection of Children from Harm. The full Review Application and evidence is contained at **APPENDIX 2**.
- 2.2 The grounds for the Review Application although contained fully within the application itself can be summarised as follows;
 - 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 DPS at the time alcohol was sold to an underage person was not at or on the premises

3. APPLICATION – REVIEW OF PREMISES LICENCE

- 3.1 The Licensing Authority is satisfied that this application for Review meets the appropriate legislative requirements within the Licensing Act 2003 and is therefore a valid application to be considered by the Licensing Sub-Committee.

3.2 The Review application requests that the following amendments are made and conditions added to the premise licence in order to uphold the licensing objectives;

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 21 policy to be in place.
5. All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
6. To participate in 'Bottlewatch' 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 6:00pm 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 to be sold.
11. To participate in 'Bottlewatch' if requested by Police or Trading Standards.
12. The Licensing Sub-Committee issue a 'Yellow Card' to the licensed premises as a warning that if a further Review is necessary and matters have not improved the premise licence may be revoked. A 'Yellow Card' will be clearly and visibly displayed at the premises for a period of 12 months detailing the imposition of new conditions on the Premises Licence and that this warning has been given.

3.3 Condition 12 as requested by the Police is in line with the DCMS Guidance on the Red and Yellow Card Scheme which if agreed by the Committee will

necessitate a 'Yellow Card' being displayed at the premises for a period of 12 months.

4. REPRESENTATIONS RECEIVED

- 4.1 The remaining responsible authorities have not made representations in respect of this application.

5. RELEVANT GUIDANCE AND POLICIES

- 5.1 The proceedings set out in the 2003 Act for Reviewing of Premises Licence represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a Premises Licence. Where a request to Review the licence is made by a Responsible Authority, the Licensing Authority will hold a hearing in respect of this, unless it, the applicant and the Responsible Authorities agree that a hearing is not necessary
- 5.3 Section 52 of the Licensing Act 2003 provides that the Sub-Committee must, having regard to the Review application and any relevant representations, take such of the steps listed below as it considers necessary for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence, (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - (b) to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - (c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence.
- 5.4 However, the Sub-Committee may consider it is not necessary to take any of the steps listed above to promote the licensing objectives. These are matters for the Sub-Committee to determine having regard to the evidence of all parties.
- 5.5 There is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. However, where responsible authorities like the Police, Environmental Health or Trading Standards Officers have already issued oral or written warnings requiring improvement, licensing authorities should not merely repeat that approach.
- 5.6 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

- 5.7 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial act taken should generally be directed at these causes and should always be no more than as necessary and proportionate response.
- 5.8 The Sub-Committee should also consider and make use of the 'Yellow and Red Cards' system as directed and recommended by The Department of Culture, Media and Sport (DCMS).

APPENDICES

Appendix 1 Copy of current Premises Licence **PL005516**

Appendix 2 Review Application of Premises Licence by Thames Valley Police

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised 2010)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council statement of Licensing Policy - December 2007
- DCMS Guidance – Red and Yellow Cards system

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