

## **Licensing Sub-Committee – Meeting held on Tuesday, 24th January, 2012.**

**Present:-** Councillors Dodds (Chair), Davis and Long.

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

### **PART 1**

#### **36. Declarations of Interest**

None were received.

#### **37. Minutes of the Last Meeting held on Thursday, 15th December 2011**

The minutes of the meeting held on Thursday, 15th December 2011 were approved as a correct record.

#### **38. Review of Premises Licence - 100 Lounge, High Street, 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 and subsequent information that had been distributed by Thames Valley Police following publication of the agenda.

##### Introduction by the Licensing Officer

Mrs Rumney, Senior Licensing Officer informed the meeting that 100 Lounge operated under a premises licence, the directors of which were Mr Imran Hafeez and Mr Jagdeep Singh. The relevant licensable activities were outlined and it was noted that the licensable activities were permitted between 1100 hours and 0130 hours from Monday to Sunday.

Members were reminded that on 27<sup>th</sup> November 2011, Thames Valley Police had submitted an application for the review of the premises licence on grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. Representations to the review application had also been received from the Local Safeguarding Children's Board and the Council's Neighbourhood Enforcement Team and the Food and Safety Team.

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

##### Questions to the Licensing Officer

Clarification was sought with regard to when 100 Lounge began operating. The Licensing Officer informed Members that the premises licence had been transferred on 15<sup>th</sup> July 2011 from the previous business, Green Chilli, to 100 Lounge. A Member commented that within the paperwork, reference was made to a Mr Jagdeep Singh and also a Jagdeep Singh Phull. Counsel representing the premises licence holders stated that Jagdeep Singh was a

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director of the company and Jagdeep Singh Phull was a friend of the owners of the business.

### Representations by Thames Valley Police

Police Licensing Officer, Debbie Pearmain stated that Thames Valley Police had requested a review of the premises licence under the prevention of crime and disorder and protection of children from harm licensing objectives. It was brought to Members attention that several meetings had been held with the designated premises supervisor, Mr Sandeep Sharma, Slough Borough Council Licensing Department and the Police to discuss a number of issues. The premises licence holders had also been invited to the meetings but had failed to attend. However, Mr Jagdeep Singh Phull had attended a number of meetings and contacted Thames Valley Police Licensing Officer by telephone to discuss the premises.

Mrs Pearmain advised that there had been numerous incidents of crime and disorder in relation to the premises and invited Inspector Boomer to address the Sub-Committee with regard to an incident on 28<sup>th</sup> November 2010.

Inspector Boomer stated that on 28<sup>th</sup> November 2010 at 3.45 am a fight took place outside of the premises where individuals had just left the venue. Members were informed that the emergency button had been activated by a police officer in attendance at the scene due to fear of personal safety as the crowd had become hostile towards the police. During the investigation, staff (including door staff) were uncooperative by not providing witness statements. CCTV footage of the incident had been requested by Thames Valley Police which had not been provided.

Mrs Pearmain stated that reports had also been received that the premises licence was being breached and licensable activities were taking place after the terminal hour of 0130 hours. On the 14<sup>th</sup> January 2012 it was recorded that an event was taking place at the venue at 0313 hours.

Members attention was also drawn to the incident on the 28<sup>th</sup> October 2011 where following an incident outside the venue, individuals were stopped and checked by police officers. It was found that there were several underage individuals who had been drinking. The aggrieved was a 17 year old who was intoxicated and had been bottled. This individual had been drinking in the premises. It was noted that the incident had caused criminal damage to a vehicle and the matter had not been called into the police by security at the venue.

Sub-Committee Members were informed that Thames Valley Police had attempted to work in cooperation with management of the premises in an attempt to resolve issues and that a meeting had been held on 10<sup>th</sup> August 2011 between the Council's licensing officer, the Designated Premises Supervisor, Mr Sandeep Sharma and the Police Licensing Officer. It was noted that the meeting had been called as a result of the drugs operation that had been carried out at the premises on 5<sup>th</sup> August 2011. A number of issues

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were raised including lack of respect shown to police officers by staff, inability to operate the CCTV system, lack of drugs policy and an unlicensed person operating as door staff. Members were informed that advice was given that if things did not improve at the venue a premises licence review would be sought. It was also noted that the drugs policy as requested in August 2011 had not been received to date.

Mrs Pearmain stated that Thames Valley Police were of the strong opinion that the premises licence be revoked due to the high risk presented by the management of the premises in undermining the licensing objectives. However should the Sub-Committee not be minded to revoke the premises licence it was requested that the licence be suspended for a period of time and a number of conditions as outlined in the report be added to the premises licence.

### Questions to Thames Valley Police Licensing Officer

A Member requested clarification with regard to the incident on 30<sup>th</sup> August 2011. It was noted that the aggrieved had been knocked unconscious and that although CCTV had been requested between the hours 0100 to 0400 hours from New Years Eve, the recording provided to Thames Valley Police was for between the hours of 1300 to 1600 hours. Inspector Boomer stated that staff at the premises were very uncooperative and that a number of meetings had been arranged but the premises licence holders did not attend any of these meetings. Inspector Boomer submitted that staff were often the best witnesses to an incident and in not assisting the police in their inquiries, staff were preventing violent alcohol related offenders being brought to justice, as highlighted following the incident on 27<sup>th</sup> September 2011. Inspector Boomer also stated that there were three other clubs in Slough all of whom were cooperative in assisting the police following any incidents and staff had on occasions detained individuals until the police had arrived at the scene.

Mr Oscroft, legal representative for the premises licence holders asked a number of detailed questions for clarification. Referring to the incident of 30 August 2011 Mr Oscroft stated that the incident had occurred outside of the premises. Inspector Boomer referred to the 'field notes' taken by the officer at the scene and confirmed that the assault had taken place in the premises.

Mr Oscroft commented that often crime incident reports included the nearest geographical location to which Inspector Boomer confirmed that although this was possible, the incident reports that had been provided for inclusion in the premises review related to 100 Lounge.

Mr Oscroft stated that information regarding a 14 year old being served alcohol at the venue had been received via an anonymous complaint. The Sub-Committee in considering anonymous information ought to give little or no regard to such information. Mr Oscroft asked whether any test purchase operations had been carried out at the venue. Mrs Pearmain stated that no test purchase operations had been carried out at the venue.

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### Representations by Food and Safety Team

Ms Whitham, Senior Environmental Health Officer stated that a Food Hygiene Inspection had been carried out at the premises on 18th July 2011. Members were informed that upon arriving at the premises Ms Whitham met Mr J Khan who she recognised from managing the former premises, Green Chilli. Ms Whitham informed Members that Green Chilli had had a pending prosecution for numerous food hygiene offences, however this prosecution was lost as the company went into liquidation prior to 100 Lounge Limited opening.

Members were informed that food hygiene and health safety standards found during the inspection were seriously deficient with no food safety management, standards of cleaning were poor and numerous food items were covered in mould and out of date. A warning report was given and a report sent. Further revisit's were undertaken on 4 October 2011 and 28 November 2011 to check compliance. It was found that matters had not improved.

### Questions to Environmental Health Officer, Food and Safety Team

Ms Whitham confirmed that no cases of food poisoning were reported. Commenting on the inspection carried out in January 2012 it was noted that although there had been a slight improvement, a number of matters were still outstanding and a follow up inspection was scheduled for July 2012.

### Representations by Neighbourhood Enforcement Team

Miss Byrne, Environmental Health Officer informed Members that a noise complaint was received by the Neighbourhood Enforcement Team on 13<sup>th</sup> September 2011 alleging that noise from 100 Lounge was causing a nuisance in a nearby residential property. A noise recorder was installed in the complainant's property for a week beginning 16<sup>th</sup> September 2011. Based on the noise recordings it was determined that the noise witnessed in the complainant's property was a statutory nuisance.

On 26<sup>th</sup> September 2011 a Noise Abatement Notice was served on 100 Lounge requiring that noise from amplified music from the premises and noise associated with customers talking, shouting and singing outside the building and the rear yard did not cause a nuisance to the nearby properties. It was noted that since the Notice was served no information had been received with regard to the breach of the notice. Members were informed that the noise abatement notice was still open and if the complainant or other nearby residents were to inform Council with regards to breach of Notice then the Notice would be enforceable.

### Questions to the Environmental Health Officer

Mr Oscroft asked for information relating to any other complaints regarding noise. Ms Byrne stated that there had not been any other complaint with

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regard to noise that had been received by the Neighbourhood Enforcement Team in relation to 100 Lounge.

### Representations by the Premises Licence Holders

Mr Oscroft, Counsel representing the Premise Licence Holders and Mr Sharma, Designated Premises Supervisor were in attendance. Mr Oscroft reminded Members that the current management had taken over the premises on 15<sup>th</sup> July 2011 and that reference to any incidents prior to this date should not be considered by the Sub-Committee.

Mr Oscroft stated that management at the venue had always attempted to assist Thames Valley Police and security at the premises was provided by a local firm who provided security to other establishments in the area. It was submitted that many of the allegations made against the premises were anonymous and that the Sub-Committee must give little weight to this evidence. Furthermore, there was another nightclub in close proximity to 100 Lounge and anti-social behaviour on the High Street could not be solely linked to his client's premises'.

It was explained that following the incident of 28 September 2011, where a door supervisor was assaulted, the matter was not pursued with the police as the door supervisor knew the individual who had assaulted him and had decided not to take the matter further.

It was highlighted that in the six months 100 Lounge had been operating, only five incidents involving violence had been recorded that could be related to the venue and that of those, some had taken place outside of the premises. Furthermore, no significant violent incidents had take place at the venue and no formal action had been taken against the premises.

Whilst accepting that the door supervisors were not in attendance at the premises, as specified in the premises licence, it was stated that this had been a misunderstanding and that the matter had now been resolved. Mr Oscroft stated that Mr Jagdeep Singh Phull was a close friend of Mr Hafiz and Mr Singh who were Directors of 100 Lounge but that he was not formally involved in the running of the business.

### Questions to the Premises Licence Holders

Mrs Romney stated that the date of transfer for the premises licence from Green Chilli to 100 Lounge was 18 May 2011. The transfer of the Designated Premises Supervisor licence had taken place on 14 July 2011. Mr Oscroft submitted that in practice the change of management at the premises took place in mid July 2011, although it acknowledged that the paperwork formally stated that a transfer had taken place in May 2011.

In the ensuing discussion a number of questions were asked regarding clarification regarding Mr Jagdeep Singh Phull and Mr Jagdeep Singh. The

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Legal advisor to the Sub-Committee stated that the issue was not relevant for the purposes of hearing.

### Summing Up

All parties were given an opportunity to provide a brief summary. The Licensing Officer reminded Members of the options available to them and that the matter needed to be determined based on all the information presented to them at the hearing.

Mrs Pearmain stated that management at 100 Lounge had seriously undermined the licensing objectives relating to Crime and Disorder and Protection of Children from Harm. The incidents as reported stated clearly that the management were not running the venue in a responsible manner and requested that the premises licence be revoked.

Mr Oscroft stated that the current management had taken over the premises in July 2011 and any incidents prior to that were not relevant. Members were requested to give little weight to anonymous complaints and were reminded that no prosecutions had been made with regard to breach of conditions of the premises licence. Representations made by the Food and Safety and Neighbourhood Enforcement officers were not a concern as improvements had been made at the venue. It was submitted that sufficient information had not been presented at the hearing for a revocation of the premises licence. Members attention was drawn to section 182 of the guidance that any decision must be necessary, relevant and proportionate.

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 **revoke** the premises licence. In reaching this decision, Members were of the view that the licensing objectives relating to crime and disorder and the protection of children from harm were being undermined.

The Sub-Committee accepted that on 28 October 2011 a 17 year old had been drinking at the venue and subsequently hit on the back of the head with a bottle.

Members of the Sub-Committee also looked at crime and disorder incidents relating to the venue. It was noted that although the transfer of the premises licence to 100 Lounge was made on 18<sup>th</sup> May 2011, consideration was given to incidents from July 2011 when the current management took over responsibility at the premises.

Members accepted that the crime and disorder objective was being undermined and in reaching this conclusion had regard to the following:

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- No evidence of a Drugs Policy in place.
- Door Staff not on duty at the premises from 1900 hours as in accordance with premises licence condition.
- Breach of premises licence - 31 December 2011 door staff letting customers in/out of the venue after 0200 hours.
- Staff, including door staff, not assisting police in enquiries:
  - (a) 3 July 2011 – Door Staff not assisting police with details of offence
  - (b) 27 September 2011 – Door Supervisor and management not assisting police with enquiries
  - (c) 6 November 2011 – Door Staff not disclosing information to the police
  - (d) 17 December 2011 – Door Staff not intervene in incident or detain suspect. Not provide account of incident to the police.
- CCTV not being properly recorded, inability of staff to operate the system and recordings not being provided to police on request:
  - (a) 5 August 2011 – Designated Premises Supervisor unable to operate CCTV
  - (b) 27 September 2011 – Incident involving assault on member of door staff, CCTV not provided to police.
  - (c) 26 November 2011 - CCTV timecode showing 1414 hours at 0120 hours
  - (d) 17 December 2011 – Incident at the venue, CCTV not provided to police
  - (e) 4 January 2012 - Complaints of unlicensed activity following which CCTV footage requested – not provided to police.
- 23 December 2011 - failure to exercise responsibility in allowing an intoxicated female into the venue, who subsequently purchased an alcoholic drink.

It was also noted that meetings were held on 10 August 2011 and 10 October 2011 between the Police Licensing Officer, officers from the Council's licensing department, the premises' licence holder and current designated premises supervisor raising a number of issues. Advice was given that if matters had not improved a review of the premises licence would be sought.

Sub-Committee Members decided that revocation of the premises licence was a proportionate, necessary and reasonable response to promote the licensing objectives relating to protection of children from harm and the prevention of crime and disorder.

### **39. Review of Premises Licence - Pit Stop, Farnham Road, 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.

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### Introduction by the Licensing Officer

Mrs Rumney informed Members that Pit Stop operated under a premises licence which authorised the sale by retail of alcohol for consumption off the premises between 0900 hours and 2300 hours Monday to Sunday. In November 2011 Thames Valley Police submitted an application for the review of premises licence on the grounds of the protection of children from harm.

The review primarily related to alcohol being sold to a minor during a joint test purchase operation involving Council Trading Standards Officers, Licensing Officers and Thames Valley Police. It was noted that no representations had been made by any other responsible authorities.

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

### Questions to the Licensing Officer

None

### Representations on behalf of Thames Valley Police

Mrs Pearmain, Thames Valley Police Licensing Officer stated that a review had been sought following alcohol being sold to a minor during a test purchase operation on 13<sup>th</sup> October 2011. No attempt was made to ask for any identification. CCTV footage was requested and a copy of the refusals register, both of which were not provided.

It was requested that a number of conditions be placed on the premises licence and that the premises be issued with a 'Yellow Card' warning.

### Questions to Thames Valley Police

Mrs Pearmain 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.

### Representations by the Premises Licence Holder

Mr Puri, representing Mr Vigg addressed the Sub-Committee and confirmed that the additional conditions proposed by Thames Valley Police were acceptable. Mr Vigg stated that he had made an error of judgment and that he would ensure that rigorous checks were carried out in the future.

### Questions to the Premise Licence Holder

Mr Vigg stated that he had held a personal licence for three years.



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### 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 submitted, the Sub-Committee decided that the following conditions be included on the premises licence:-

1. 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.
2. 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 that they are able to meet the four licensing objectives.
3. Challenge 25 Policy to be in place.
4. The Designated Premise Supervisor shall ensure 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 the request of Police, Trading Standards or Slough Borough Council Licensing Officers.
5. Two members of staff to be on the premises from 6.00pm until close.
6. Refusals Register to be in place, kept up to date and made available upon request of Police, Trading Standards or Slough Borough Council Licensing Officers.
7. To participate in Bottlewatch or UV marking scheme if requested by Police or Trading Standards.

The Sub Committee also agreed that the premises licence be suspended until conditions 1 to 7 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".

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

### **40. Application for Street Trading Consent - Traders Diner, Petersfield Avenue, 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

Mrs Rumney informed Members that an application for a Street Trading Consent had been received to operate at Petersfield Avenue, Slough. The proposed hours of business were 0900 hours to 2200 hours from Monday to Sunday.

Following consultation with the responsible authorities, businesses and residential properties within a 100 metres of the proposed site, ten objections were received from local residents.

Options available to the Sub Committee were outlined and Members were reminded that the Council was not under any duty to grant a street trading consent. The matter to grant or refuse an application was at the discretion of the Council. However, should Members be minded to grant the application, standard conditions would be imposed on the street trading consent as outlined in the report.

#### Questions to Licensing Officer

None.

#### Representations by the Applicants.

Mr Kimani and Mr Kariuki stated that they wanted to establish a business that served the community and that the presence of a food trailer would not in their opinion cause a disturbance to residents within the local vicinity. It was explained that no seating would be provided outside of the food van.

It was submitted that a CCTV system would be installed on the van and the presence of the van would reduce anti-social behaviour in the area. Mr Kimani stated that there were no other food outlets nearby and the business would be providing an essential service to the community.

#### Questions to Applicants

In response to a Member question, the Licensing Officer stated that other food outlets were approximately a five minute walk away. The applicants confirmed that they were willing to amend their terminal trading hour to 1700 hours.

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### Representations by Interested Party

Mr Hussain, on behalf of Petersfield Residents Association, stated that should the application be granted there would be an increase in traffic problems and anti-social behaviour in the area. It was submitted that the location of the proposed business was not suitable as there was a school and church nearby.

### Questions to Interested Party

None.

### Summing Up

All parties were provided with an opportunity to sum up, following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

### Decision

All parties re-joined the meeting.

Having carefully considered all the information and representations, Members were of the view that the type of trading detailed in the application was not suitable at the location being proposed.

**Resolved** – That the application for street trading consent be refused.

Chair

(Note: The Meeting opened at 10.00 am and closed at 3.45 pm)