

LICENSING SUB-COMMITTEE

11 April 2012

LICENSING ACT 2003

DRINKS DIRECT SUPERMARKET LTD
256 High Street, Langley, Slough, SL3 8HA

Review of Premises Licence – **Number PL004630**
Application made by Slough Borough Council
Trading Standards Service

1. CURRENT POSITION

- 1.1 Drinks Direct Supermarket Ltd operates under a Premises Licence number **PL004630** which is held by Ravinder Singh Grover and Charanjit Singh Aurura.
- 1.2 The Designated Premises Supervisor (DPS) at the time of this Review Application being made by Slough Borough Council Trading Standards Service is Mr Charanjit Singh Aurura who holds a Personal Licence number **LBHIL0918** with Hillingdon Council.
- 1.3 The DPS is responsible for the day to day management of the premises.
- 1.4 The Premises Licence authorises the carrying out of the Relevant Licensable Activities as follows:
- M The sale by retail of alcohol for consumption Off the premises only
- 1.5 The times the licence authorises the Licensable Activities are
- 08:00 to 23:00 Monday to Saturday
 - 10:00 to 22:30 Sunday
 - 08:00 to 22:30 Good Friday
 - 12:00 to 22:30 Christmas Day

A copy of the current Premises Licence is attached at **APPENDIX 1**.

2. BACKGROUND INFORMATION

- 2.1 On 15th February 2012 Slough Borough Council Trading Standards Service 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 full Review Application and supporting evidence are contained at **APPENDIX 2**.
- 2.2 The grounds for the Review Application although contained fully within the application itself can be summarised as follows;
- Selling alcohol to an underage person
 - Selling cigarettes to an underage person
 - Selling fireworks in breach of the firework licence conditions
 - Found in possession for sale of counterfeit alcohol, condoms and batteries

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 due to the catalogue of incidents and non-compliance at the premises, the Premises Licence should be **revoked**.
- 3.3 However the Slough Borough Council Neighbourhood Enforcement Team have also asked that, if Members are of the opinion that the Premises Licence should not be revoked, the following condition to be imposed on the Premises Licence.
 1. The Premises Licence Holder is required to undertake the requirements of the Council's can marking scheme to enable alcohol cans and bottles to be linked to the premises and provide "prima-facie" evidence to enable further investigation by the Police and Council to establish whether appropriate responsibility is being taken by the licensee to refuse sales to underage or intoxicated individuals.

4. **REPRESENTATIONS RECEIVED**

- 4.1 Responses to the Review Application from relevant Responsible Authorities have been received.
- 4.2 Response from John Ellis – Royal Berkshire Fire and Rescue Service is attached at **Appendix 3**.
- 4.3 Response from Richard Palacio – Team Leader Neighbourhood Enforcement is attached at **Appendix 4**.
- 4.4 Response from Ian Hann – Senior Planning Officer is attached at **Appendix 5**.
- 4.5 No further responses were received from any other Responsible Authorities.

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 PL004630.

Appendix 2 - Review Application of Premises Licence by Jaspal Singh – Senior Technical Enforcement Officer, Trading Standards Service

Appendix 3 - Responsible Authority response from John Ellis – Royal Berkshire Fire and Rescue Service

Appendix 4 - Responsible Authority response from Richard Palacio – Team Leader Neighbourhood Enforcement

Appendix 5 - Responsible Authority response from Ian Hann – Senior Planning Officer

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 2010
- DCMS Guidance – Red and Yellow Cards System

Contact Officer

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