

## **Licensing Sub-Committee – Meeting held on Tuesday, 2nd September, 2014.**

**Present:-** Councillors Malik (Chair), Ajaib and Coad

**Officers Present:-** Teresa Clark, Senior Democratic Services Officer, Mick Sims, Licensing Manager, Niall Toru, Solicitor

**Apologies for Absence:-** None

### **PART 1**

#### **35. Declarations of Interest**

Councillor Malik declared in respect of agenda item 5, Premise Licence Review, Baylis House, Stoke Road, Slough, that she had visited events at the premises on a number of occasions and had an open mind.

#### **36. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

#### **37. Minutes of the Last Meeting held on 29th April 2014**

The Minutes of the Last Meeting held on 29th April 2014 were received.

#### **38. Premises Licence Review, Metro Food and Wine (Slough Ltd), 193, Farnham Road, Slough SL1 4XS**

(The premises address shown on the Officers report and agenda item as 18, High Street, Slough was incorrect and should have read, 193, Farnham Road, Slough)

Mr Gaba, the Premises Licence Holder of Metro, Food and Wine (Slough Ltd), 193, Farnham Road, Slough, attended the hearing with a relative who interpreted for him. At the commencement of the hearing Mr Gaba stated that he had not received the case papers until 28<sup>th</sup> August (2 working days before the hearing). He therefore requested an adjournment of hearing on the grounds that he had not been able to appoint a Legal Representative in the short timescale.

The Clerk to the Sub-Committee and the Licensing Manager both confirmed that papers were served at the latest address provided by Mr Gaba within the required notice period. Mr Gaba confirmed that he had failed to provide the Authority with his new address when he moved home 2 years earlier. The papers were subsequently returned to Slough BC from his previous address marked 'Gone Away'. The Licensing Manager confirmed that he had then served the papers by hand.

The meeting was adjourned in order for Members to give consideration to the points that had been highlighted. The Sub-Committee decided that in order to ensure that Mr Gaba was allowed the opportunity to appoint a Legal Representative, the hearing of the premises review be adjourned until the next meeting of the Sib-Committee in September.

**39. Premises Licence Review, Baylis House, Stoke Poges Lane, Slough, SL1 3PB**

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

Introduction by Mick Sims, Licensing Manager, Slough BC

Mr Mick Sims, Licensing Manager, outlined a report which related to an application for a Review of the Premises Licence for Baylis House, Stoke Poges Lane, Slough, made under Section 51 of the Licensing Act 2003 by Mrs Debie Pearmain, Thames Valley Police (TVP) Licensing Officer.

The Officer highlighted that two documents submitted by TVP were not included in the agenda papers; a Crime Prevention Survey Report prepared by Anne Chalmers, Police Crime Prevention and Reduction Officer, and an e-mail from Mrs Pearmain (TVP) to Mr Ian Faithful for Baylis House, dated 24<sup>th</sup> June 2014. It was confirmed that both documents were served on Baylis House by Mrs Pearmain. It was also highlighted that an appendix was published within the agenda documents on the Council website and provided to the legal representative of Baylis House, but not included within the hard copy of the agenda pack. These had been made available to all parties.

The Sub-Committee was informed that on 1st September 2014, section 116 of the Anti-Social Behaviour, Crime and Policing Act 2014 came into force giving Police the power to request guests names and addresses and to view visitors check in details.

The meeting adjourned briefly to allow Members to read the tabled documents.

Prior to his presentation detailing the background to the review, the Sub-Committee was advised by Mr Sims that formal notification had been received from Baylis House on 2<sup>nd</sup> September, that they had accepted all 24 conditions (as detailed in the report) recommended by TVP. The communication also suggested that the hearing therefore be dispensed with. The Officer highlighted that the Licensing Act 2003 (Hearing) Regulations 2005 stipulated that an authority could dispense with holding a hearing if all persons agreed that such a hearing was unnecessary (other than the authority itself). He advised that TVP had not agreed to dispense with a hearing and Mrs Pearmain would discuss this during her presentation.

The Officer discussed the recommendations and the options available to the Committee as set out in the report and the Sub-Committee was reminded of

the need to have regard to the principles for making decisions, and the relevant policy and legislation when reaching its decision. Members were also requested to consider and make use of the 'Yellow and Red Card' system as directed and recommended by The Department of Culture, Media and Sport (DCMS), and also to have regard to Slough Borough Council's Revised Statement of Licensing Policy 2014-2019.

The Officer confirmed that the Designated Premises Supervisor was Mr Sandeep Shetty, who was responsible for the day to day management of the premises.

The Applicant had requested that all current conditions on the Premises Licence be removed and replaced with 24 new conditions. The Licensing Authority was satisfied that the application for a Review met the appropriate legislative requirements within the Licensing Act 2003 and was therefore a valid application to be considered by the Licensing Sub-Committee

#### Background to the Review Application

The Officer advised that the Review was brought on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm following an alleged serious incident at Baylis House in January 2014 involving two young females. It was felt that the night-staff had not dealt with the incident appropriately and did not report the incident to the Police who were now investigating the matter as two cases of possible rape.

TVP and Licensing Officers met with the management from Baylis House in January 2014 to discuss the incident, and it was felt new conditions would need to be imposed on the Premises Licence either voluntarily, by way of a minor variation being made, or if necessary through the submission of a Review application. Twenty four new proposed conditions were prepared but Baylis House failed to respond to TVP's request for the conditions to be agreed resulting in the Review Application being brought. At a subsequent meeting held on 11<sup>th</sup> July, 2014, all parties agreed with the proposed conditions including condition 23.

The Officer discussed additional information submitted by TVP in August which TVP considered relevant to the review application. This concerned a report made to the Police of a missing 15 year old girl who had been sighted at Baylis House the previous day. The missing girl was not found at the premises but five young men were found in a room and due to the state of the room, were escorted from the premises by Police Officers. It was highlighted that police had reviewed CCTV at the premises and a young Asian woman was seen with an Asian male (believed to be from the group ejected later that evening) entering the premises by a side or back door. The Police were unable to identify the female and verify her age.

The Sub-Committee noted the representations received from Dr Angela Snowing, Assistant Director of Public Health and Mr John Nixon, Head of Safeguarding & Quality Assurance as set out in the report. These supported

the view that the conditions would assist with the prevention of child sexual exploitation (CSE) and enable the collation of relevant evidence to support the prosecution of perpetrators of CSE at the venue.

#### Lorna Underwood-TVP Specialist Investigator for Child Sexual Exploitation

Ms Underwood addressed the Sub-Committee and discussed the definition of CSE. She discussed the prevalence of CSE and advised that hotels were common venues for this to take place.

#### Sergeant Stanley, TVP

Sgt Stanley explained the role of the team who managed CSE and the gathering of intelligence of vulnerable children. He discussed the alleged incident at Baylis House in January when a resident at the hotel reported witnessing the alleged event. He advised that the two girls in question would not engage with TVP when interviewed. He also discussed the second incident in July relating to the missing girl and the occasion when the 5 males were escorted from the premises by TVP Officers. He advised that the girl seen entering the hotel on CCTV cameras had not been identified and it was not possible to establish her age. He considered that door access to the premises was not secure.

#### Ann Chalmers, Crime Prevention and Reduction Adviser, Thames Valley Police

Ms Chalmers outlined a report which detailed her findings when she visited Baylis House on 23<sup>rd</sup> June to survey the premises and site. She discussed a number of issues regarding entrance doors, the gated entrance, fire exit doors, security lighting and CCTV within the premises. Ms Chalmers was of the opinion that the Baylis House premises was not secure and she discussed a number of recommendations that would ensure this was rectified.

#### Ms Debie Pearmain, TVP Licensing Officer

Ms Pearmain addressed the Sub-Committee and confirmed that the Premises Licence Holders had now agreed to the one outstanding requested condition, relating to photographic ID. The Officer was satisfied that this was a very positive step forward and would ensure that the Crime and Disorder and Protection of Children from Harm licensing objectives were not undermined.

Ms Pearmain stated that she found one of the directors of the Company to be dismissive of the issues referred to when the first meeting took place and appeared to be more concerned about the financial side of the business. TVP was concerned about the lack of management at the premises, the lack of security at the Hotel, and the booking system where staff at times did not know who had made bookings or who was occupying the rooms.

Ms Pearmain referred to the recent regulations discussed by Mr Sims which demonstrated how seriously the Government took the issue of CSE, as did

TVP and SBC. She argued that prevention measures currently in place at Baylis House were inadequate and TVP requested that the Sub-Committee suspend the licence until such time as all the requested conditions were put into place, the recommendations made by MS Chalmers were adhered to, and a full licensing inspection could be completed by the SBC Licensing Officer and TVP.

### Questions to TVP

Councillor Coad asked why there was no statement available from the witness who had made a complaint on the evening in question and was advised that this could not be disclosed as the case was subject to legal proceedings.

### Questions from Mr Brown to TVP

Mr Brown asked questions as follows:

- Had anyone been charged for the alleged incident? Response- no charges had been brought.
- Why was it necessary that the Licence be suspended? Response- this was so that it could be confirmed all necessary conditions were in place.
- What strength could be attached to the incident having taken place? Response- The delay in TVP being informed meant that the evidence was not as conclusive as it could have been.
- Was the missing girl found at Baylis House? Response-no.
- Was there any evidence that the men found in the room had any connection to the incident? Response-no.

### Representations made by Baylis House

Mr Winston Brown, of Brown and Co Solicitors, representing Baylis House, addressed the Sub-Committee. He advised that the request for a suspension by TVP had not been notified to Baylis House in advance of the hearing. He advised that he was led to believe that TVP would be satisfied to conclude matters once the conditions were agreed by both parties and he argued that it was unacceptable that the request for a suspension was not disclosed to Baylis House prior to the meeting.

Mr Brown confirmed that Baylis House no longer wished to contest the imposed licence condition which required that photographic ID must be presented from hotel guests. Mr Brown advised that since recent media coverage surrounding CSE issues in Rotherham, Baylis House was committed to help reduce CSE in the local community by any means necessary, even where these impacted adversely on the business.

Mr Brown confirmed that a copy of Photographic ID would be taken as per condition 23 for every room checked in and he apologised in advance to those individuals who did not own a passport or driving licence, or if their ID was left at home, for not being able to stay at the property. He stated that to his

knowledge no other hotel in the area carried out photo-ID checks and that the agreement by Baylis House to this condition clearly demonstrated their commitment to cooperate and help in any way possible in spite of considerable potential detriment to business and the risk to the viability of the company.

Mr Brown refuted the local coverage which made Baylis House out be a CSE hotspot and argued that this allegation was false and based on an unproven incident. He discussed ways in which Baylis House had worked with the Police and Slough Council to make the property and surrounding area as safe as possible for everyone. It was highlighted that 300 events were hosted annually and the need to keep guests safe from harm, whatever their age was paramount. The hotel contributed to setting up CCTV in the area, had neighbourhood meetings on the premises and had recently been involved in talks regarding the uplift of Baylis park.

Mr Brown did not accept that the minutes of the meeting held with TVP were an accurate record. He also advised that there was no evidence whatsoever that the incident concerning the five boys in a room was connected with CSE and that the incident was also not connected in any way to the reported incident earlier in the year. Mr Brown felt that the 24 conditions were sufficient to address the concerns outlined and a suspension should only be imposed if the Sub-Committee was of the opinion that there were ongoing safeguarding issues at the premises. A suspension would inhibit the hotel from trading and this would be a disproportionate action when all conditions had been accepted by Baylis House. Mr Brown stated that he believed the incident in January was still under investigation by the Police, and no one from the hotel who worked that night has been interviewed. He argued that instead of gaining complete eye witness accounts to fully support or disprove the reports of sexual exploitation, Baylis House was being falsely implicated with allegations. The staff member had denied seeing underage girls so there was nothing to report other than a complaint by a guest, over noise levels in another room. Mr Brown advised that the management had dealt with the situation and the noisy occupants were spoken to and evicted from the premises.

Mr Brown advised that when Baylis House were invited to the first meeting, they were not given adequate information as to the purpose of the meeting which meant they were unable to prepare.

Member Questions to Parties included:

- Why did Baylis House feel that they would lose business through a condition? Mr Brown advised that many people would refuse to give photographic ID. The system had been trialled and for example several ladies in their 50's had been unable to check in as they did not have ID available.
- Which conditions had been implemented to date? A list of outstanding conditions was discussed.

- It appeared that there was no formal written handover at nights and this was thought to be inadequate. Baylis House advised that on the night in question the incident was reported verbally.
- Had the alleged incident taken place in the doorway of the bedroom? Mr Brown advised that this was not witnessed by staff so this was speculation.
- How many rooms had been booked by the 5 men? Baylis House advised that only a double room had been booked and this was clearly a security issue.
- Were the two couples in question moved to other rooms? It was confirmed that they left the premises at 4 am but it could not be confirmed whether they had moved rooms.

#### Summing Up- Mick Sims

The Licensing Manager reminded the Sub-Committee that in accordance with Section 182 Guidance, conditions to be imposed or attached to a premises Licence must be tailored to the individual premises i.e. in this case Baylis House. Further, Members must have regard to the Council's Statement of Licensing Policy.

#### Summing Up- Debie Pearmain, TVP

Ms Pearmain advised that intelligence re CSE and the incident had suggested that the prevention measures in place were inadequate to promote the 4 licensing objectives. She considered that a suspension of the licence was appropriate until such time as the conditions and the recommendations submitted by Mrs Chalmers were in place.

#### Sum Up- Mr Brown

Mr Brown was of the opinion that the conditions imposed were adequate and although some work was yet to be done the Licence should continue with the new stringent conditions. He considered that it would only be appropriate to suspend the licence if it was thought that there were ongoing safeguarding issues at the premises. He concluded that the decision and the conditions should be proportionate and he felt that the imposed conditions were adequate in this case.

#### Decision

The Sub-Committee carefully considered all of the evidence submitted and asked several questions regarding the incidents and management of the hotel.

The Sub-Committee had serious concerns regarding the alleged incidents of child sexual exploitation at Baylis House. However, the Sub-Committee did not have access to all the witness statements due to ongoing prosecutions/ investigations and was therefore unable to form any firm conclusion regarding the alleged incident. It was evident however from that the findings of the

Crime Prevention Survey and the fact that a person entered the hotel without the knowledge of staff that the access to the premises appeared to be insecure.

Having regard to the Licensing Objectives, the Council's Statement of Licensing policy and the Secretary of State's Guidance, the Sub-Committee considered it appropriate and proportionate that the proposed 24 conditions be imposed (as set out in the Annex to this minute) in order to promote the Licensing Objectives. The Sub-Committee also considered that Condition no. 24 should be reworded to make express reference to the recommendations of the Crime Prevention Survey report of 23<sup>rd</sup> June 2014 as tabled at the meeting.

Despite the Sub-Committee's concern about Baylis House' lack of progress in complying with the conditions to date, the Sub-Committee did not consider that it would be appropriate to suspend the Licence at this time. Instead the Sub-Committee required that all 24 conditions be complied with by 3<sup>rd</sup> October, 2014.

**Resolved-** That all 24 conditions requested by Thames Valley Police be complied with by 3<sup>rd</sup> October, 2014, with the rewording of condition 24 to make express reference to the recommendations of the Crime Prevention Survey report of 23<sup>rd</sup> June, 2014.



**Baylis House, Stoke Poges Lane – Licence conditions imposed**

1. Door supervisors will be issued with multi-channel radios capable of communicating with all other door supervisors working at the premises, the designated premises supervisor and town centre radio link and/or Slough Borough Council's CCTV control room.
2. A door supervisor register must be kept which details the full name of the door supervisor and the date and times they started and finished.
3. Door supervisors are required at the venue during any events being held at the premises from 19:00 hours (a ratio of 1 door supervisor per 100 guests) until all patrons have left the premises.
4. Where there are 5 or more door supervisors at least one must be female.
5. An incident register will be kept to record all incidents of disorder and refusals of admittance at the premise. The Manager and member of staff involved in the incident must sign off each entry. The incident register must remain on the premises at all times.
6. All seizures of controlled drugs must be logged, held securely and the police notified of the seizure.
7. The CCTV system must be working to the satisfaction of Thames Valley Police and the licensing authority.
8. The CCTV system must cover all areas of the premises where licensable activities take place and all the corridors where guest bedrooms are located.
9. CCTV cameras must be in operation at all public entrance and exit points of the premises.
10. CCTV recordings will be maintained for a period of 28 days.
11. If the CCTV equipment fails, the police and the licensing authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.
12. A notice will be displayed at all entrance points of the premises advising that CCTV is in operation.
13. DPS and/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, Local Authority Licensing Officers or relevant Agencies.

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14. DPS and/or nominated person is responsible for supplying the necessary media (discs, data stick) containing any downloaded content.
15. The premises will operate a challenge 25 age verification policy in relation to the sale of alcohol.
16. A personal licence holder must be present at the premises when alcohol is being sold or supplied and when regulated entertainment is taking place.
17. A written log along with a copy of each individual's personal licence must be kept and maintained.
18. Live, recorded music or dance cannot take place within the grounds (outdoors) of the premise after 23:00 hours. This includes any marquee or other temporary structure.
19. Signage must be displayed at all public exit points to encourage patrons to leave in an orderly and responsible manner.
20. The use of polycarbonate or non breakable glasses at any events held at the premises will be at the discretion of the management.
21. All members of staff are to complete child sexual exploitation (CSE) training. Training records including the staff members name and date of training are to be maintained and kept at the premises at all times. Training records must be available for inspection by an authorised officer or police officer.
22. CSE refresher training must be provided to all members of staff on an annual basis and logged in the training records.
23. The identity of all individuals who have made a room booking and/or are staying as a hotel guest, must be verified and a copy of their photographic id taken. The copy must be kept for a minimum of six months and be made available for inspection by an authorised officer or police officer.
24. A crime reduction survey is to be carried out by Thames Valley Police and the recommendations of the survey are to be adhered to.

### **40. Application for new Premises Licence, Gill's Meat Market, 20 Parlaunt Road, Langley, SL3 8BB**

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

The Applicants, Messrs Palwinder Singh Gill and Gurial Singh Gill were represented by Mr Zaiwalla of Chambers Solicitors.

## **Licensing Sub-Committee - 02.09.14**

### Introduction by Mick Sims, Licensing Manager, Slough BC

The Senior Licensing Officer referred the Sub-Committee to the report set out in the agenda papers.

It was confirmed that an application was received from Messrs Palwinder Singh Gill and Gurlal Singh Gill, for 20 Parlaunt Road, Langley, SL3 8BB for the following licensable activities at the following times:

*Sale by retail of alcohol for consumption OFF the premises only: –*

*Monday to Saturday: 08:00 – 23:00*

*Sunday; 10:00 – 22:00*

The application was referred to the Sub-Committee for decision as representations were received from 'Other Persons'. The Officer discussed three objections received which raised concerns regarding noise and disruption from other pubs already selling alcohol in the area and anti social behaviour

The Sub-Committee was advised that Thames Valley Police (TVP) had requested that a number of conditions be attached to the licence as set out in the report and the Applicants had agreed to these. The Committee was reminded that it must have regard to the amended guidance issued in June 2014 under section 182 of the Licensing Act 2003 regarding the promotion of the licensing objectives and also to the Council's Statement of Licensing Policy 2014-2019.

The Licensing Manager discussed the options available to the Sub-Committee, which included in summary; to grant the application submitted; grant the application subject to further reasonable conditions; or refuse the application.

### Questions to the Licensing Manager

A number of questions were asked by Members including the location of the other licensed premises referred to by the objectors.

### Submission by the Applicant

Mr Zaiwalla advised that the Applicants who were brothers, had lived in the locality for some years and owned two other off licenses. They were both responsible individuals and had experience of operating off-licensed premises. The Sub-Committee was advised that TVP had placed suitable conditions in place which would deal with any concerns raised and the Applicants had agreed to these. He reassured Members that staff would be trained and the premises would have adequate staff numbers at all times. None of the premises managed by the Applicants had ever failed a test purchase and he urged the Sub-Committee to grant the application.

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### Questions to the Applicant's Representative

Members asked a number of questions relating to the background of the premises.

### Summing Up

Mr Sims advised that there were no reports of problems at the premises and none of the Objectors had attended the meeting to address the Sub-Committee.

The Applicant's Representative confirmed his case as previously submitted.

Following the summing up, the parties left the meeting at 2.45 pm in order for the Sub-Committee to deliberate.

### Decision

The Sub-Committee re-convened at 2.55 pm and all parties were asked to re-join the meeting when the decision was announced.

**Resolved-** That the premises be issued with a licence as set out within the annexe to this minutes, subject to the conditions imposed.

**Gill's Meat Market, 20 Parlaunt Road, Langley, SL3 8BB-Licence Granted**

*Sale by retail of alcohol for consumption OFF the premises only: –*

*Monday to Saturday: 08:00 – 23:00*

*Sunday; 10:00 – 22:00*

- (a) Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard (i.e. CCTV images are clear and of an evidential quality and the system clock should be set correctly and kept accurate) . Recordings to be kept securely for 31 days and made available to Police, Local Authority Licensing Officers or relevant Agencies on request.
- (b) 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 and Local Authority Licensing Officers.
- (c) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- (d) Challenge 25 policy to be in place.
- (e) Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officer and Local Authority Licensing Officers.

Chair

(Note: The Meeting opened at 10.12 am and closed at 2.55 pm)