

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 20 JANUARY 2016

**Present:** Councillors Woodward (Chair), Livingston and Vickers.

### 21. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 8 December 2015 were confirmed as a correct record and signed by the Chair.

### 22. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - FIVE STAR WINES, CAVERSHAM ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council's Chief Inspector of Weights and Measures for the review of a Premises Licence in respect of Five Star Wines, 133 Caversham Road, Reading, RG1 8AS.

The report stated that a review of the Premises Licence had been requested by Reading Borough Council Trading Standards team. The application detailed that on 27 August 2015 the named premises licence holder and designated premises supervisor sold nearly 30 units of alcohol to a person aged 15 years during a test purchase operation. The application also detailed two further incidents of alcohol being sold to underage persons on 28 August 2015. The premises were operating under a temporary event notice at the time of all three sales. The offences detailed in the review application constituted breaches of Section 146 of the Licensing Act 2003, three breaches of Section 147 of the Licensing Act 2003 and a breach of Section 147A of the Licensing Act. The review application sought the revocation of the premises licence due to the persistent selling of alcohol to children, to promote the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. A representation in regard to the review application had been received from Thames Valley Police and was attached to the report at Appendix II. A plan showing the location of the premises (in black) and surrounding streets was attached to the report at Appendix III.

It was reported at the meeting that that the Premises Licence had been transferred on 15 January 2016 and the Premises Licence Holder and the Designated Premises Supervisor was now Mrs Kuljinder Kaur Roy (previously Mr Rajiv Roy).

The Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

#### Sale of Alcohol by Retail

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours

Good Friday	0800 hours until 2230 hours
Christmas Day	1200 hours until 1500 hours and 1900 hours until 2230 hours

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 20 JANUARY 2016

The previous Premises Licence had been circulated prior to the meeting. This allowed the same licensable activities and permitted hours, but showed Mr Rajiv Roy as the Premises Licence Holder and Designated Premises Supervisor.

The report stated that in considering the application, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that, in determining the application, the Sub-Committee could take the following steps:

- Take no further action;
- Issue formal warnings to the premises supervisor and/or premises licence holder;
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities);
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Licence Supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraph 9.12 of Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that in their role as a responsible authority, the police were an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police had a key role in managing the night-time economy and should have good working relationships with those operating in their local area.

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but might also be able to make relevant representations with regard to the other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remained incumbent on the police to ensure that their representations could withstand the scrutiny to which they would be subject at a hearing.

The report also set out paragraph 11.30 of the Secretary of State's Guidance which stated that the Government recognised that the majority of licensed premises operated responsibly and undertook due diligence checks on those who appeared to be under the age of 18 at the point of sale (or 21 and 25 where they operated a Challenge 21 or 25

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 20 JANUARY 2016

scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g. where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under Section 147A or a closure notice has been given under section 169A of the 2003 Act.

In addition the report included the relevant sections of the Licensing Act 2003, setting out Section 147A, Section 146, Section 147 and Section 26.

Mrs Kuljinder Kaur Roy, Premise Licence Holder, was present at the meeting and was represented by Mr William Donne, Silver Fox Licensing Consultants, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Ian Savill, Senior Trading Standards Officer, and Matthew Knight, Community Alcohol Partnership Officer, were present at the meeting and addressed the Sub-Committee. PC Simon Wheeler, Thames Valley Police, was also present at the meeting and addressed the Sub-Committee.

### **Resolved -**

That, having reviewed the Premises Licence in respect of Five Star Wines, Caversham Road, Reading and having had regard to the four licensing objectives, in particular the protection of children from harm and the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (i) there were policies in place but they had not been adhered to, for example the Premises Licence Holder although trained had not promoted the licensing objectives;
- (ii) it was indicated that there was a refusal book at the premises but it appeared not to have been used;
- (iii) the premises had been warned that test purchases would be taking place during the Reading Festival period;
- (iv) the premises had not implemented the Challenge 25 process, as admitted by Mr Roy at interview.

(The meeting started at 5.00pm, was adjourned between 5.04pm and 5.25pm and finished at 7.26pm)