

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'C'
6 DECEMBER 2010

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
10 FEBRUARY 2010

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Victor Duckett
- * Cllr John Sandy
- * Cllr Peter Isherwood
- * Present

12. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr John Sandy was elected Chairman for this meeting of Sub-Committee C.

13. MINUTES (Agenda Item 2)

The minutes of the meeting held on 21 June 2010 were confirmed and signed.

14. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'C'.

PART II – Matters reported in detail for the information of the Committee

15. LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE – HEATH END NEWS, 97 FARNBOROUGH ROAD, FARNHAM, SURREY GU9 9AL

15.1 The Chairman introduced the title of the application under consideration and confirmed with the premises licence holder that she had received a copy of the agenda papers and that she understood the reason for the review.

15.2 The Licensing Manager explained that a review of the licence had been submitted by Surrey Police, and read out the Notice of Application, which had been advertised for the statutory period of time. Surrey Trading Standards as a Responsible Authority had supported the review.

15.3 Surrey Police, the applicant, then gave details of the events that lead up to the submission of the review. Since the licence holder had taken over the premises in 2006, the Waverley Police Licensing Officer and the Surrey Trading Standards Officer had visited the premises on a number of occasions

06.12.10

to give information and offer advice, including the need to ensure among other things that the terms of the licence were on display, there was a written age policy, staff training records, a written authority to sell and a refusals book.

- 15.4 Surrey Police then gave details of the occasions in 2010 that they had visited the premises and had discovered that the summary of the licence had not been displayed and the licence holder did not have in place an age policy, training records or refusals book. In an incident in June this year, the Police stopped a 16 year old in possession of alcohol that he said he had bought at the premises under review. The brother of the licence holder admitted selling the alcohol and was issued with a Penalty Notice for Disorder.
- 15.5 Surrey Trading Standards, as a responsible authority in support of the review, then gave details of a visit to the premises with the Waverley Licensing Officer on 21 April 2010 when they gave advice to the licence holder's brother on the sale of alcohol and gave him an under-age sales pack containing posters, details of the Challenge 21 Policy, and how to ask for ID. Following the incident in June 2010 Surrey Trading Standards arranged a test purchase on 27 August 2010 at the premises and the brother of the licence holder sold alcohol to two 16-years olds without asking for proof of age.
- 15.6 Surrey Trading Standards stated that at the visit on 27 August 2010, the licence holder's brother was given a folder containing information about under-age sales. The licence holder's brother claimed not to remember receiving the folder.
- 15.7 The licence holder then responded to Surrey Police and Surrey Trading Standards statements. The licence holder very much regretted the failure to comply with the advice given by both Surrey Police and Surrey Trading Standards, and cited personal problems and business issues following the closure of the post office counter at the premises as the reasons for non-compliance. The licence holder accepted that the statements made by Surrey Police and Surrey Trading Standards were accurate, but assured the Sub-Committee that steps had been taken to ensure everything was now in place.
- 15.7 Having received the closing statements from all parties, the Sub-Committee then withdrew at 11.03 am.
- 15.8 Following the Sub-Committee's deliberation the meeting resumed at 11.51 am.
- 15.9 The Sub-Committee thanked all those involved for the manner in which they presented and discussed the review.

The Sub-Committee agreed that the licence holder had failed to comply with the Licensing Objectives relating to:

- Prevention of Crime and Disorder. The Licence Holder had failed to take the advice, information and guidance from the Police and Trading Standards over a period of 4 years. This lack of attention to the Licensing Objectives was counter to the Prevention of Crime and Disorder.

- Protection of Children from Harm. The Licence Holder had failed to implement, over a period of 4 years, the instructions of the Police and Surrey Trading Standards to protect children from harm by failing to introduce an age policy, a written authority to sell and written staff training and a refusals book. The Licence Holder admitted that she had failed to carry out the advice, guidance and instructions given to her by the Police and Trading Standards and continued to show a lack of understanding of the requirements of the Licensing Act and its objectives.

Surrey Police had applied for the review on the grounds of failure to promote the Licensing Objectives relating to Prevention of Crime and Disorder and Protection of Children from Harm and the Sub-Committee decided that both were proven.

The Sub-Committee therefore decided to revoke the premises licence.

The Council's Principal Solicitor then advised the parties of their right to appeal against the decision of the Sub-Committee and the time scales involved.

The meeting commenced at 10.05 am and concluded at 11.55 pm.

Chairman