

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 14 JANUARY 2019

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
- 25 FEBRUARY 2019

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

Present

Cllr Peter Isherwood
Cllr Robert Knowles

Cllr Bob Upton

Apologies

Cllr Tony Gordon-Smith and Cllr Carole King

15. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Robert Knowles was appointed the Chairman for the meeting.

16. MINUTES (Agenda item 2.)

The minutes of the meeting that took place on 9 April 2018 were confirmed and signed.

17. EXCLUSION OF PRESS AND PUBLIC (Agenda item 3.)

At 10.05am, it was

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by section 100I of the Act) of the description specified in paragraph 7 of the revised Part 1 of Schedule 12A to the act, namely:

7. Information relating to the any action taken in connection with the prevention, investigation or prosecution of crime

18. APPLICATION FOR REVIEW OF A PREMISES LICENCE (Agenda item 4.)

The current Designated Premises Supervisor (DPS) was not at the meeting but was represented by their solicitor and the proposed new DPS and it was confirmed that the agenda papers had been received and understood.

The Applicant for the review was Surrey Police and the grounds of the review were the Prevention of Crime and Disorder and Protection of Children from Harm.

The spokesperson for the premises summarised the background to the reasons of the issues that had arisen the previous year. They were fully aware of the concerns of the Surrey Police and had identified the steps they intended to take to promote the Licensing Objectives. They explained how being a Licence issued prior to 2005, that they did not currently have conditions placed on the licence. However, they provided all parties with a list of those conditions which the Committee, if minded, could place on it, these included maintaining a training log and refusal register. Furthermore, the representative for the premises indicated the experience of the new proposed DPS was very good and would ensure that all conditions were adhered to.

The representative for the Surrey Police outlined their case and the Home Office guidance regarding the sale of alcohol to a minor. They explained the significance of this and how guidance also stated that revoking a licence was considered appropriate. However, the DPS representative asked that the Sub-Committee gave a fair and proportionate decision considering that this was their first incident in the last three almost four years.

At the end of questioning, the Sub-Committee then WITHDREW at 11.10am.

Following the Sub-Committee's deliberation the meeting RESUMED at 12.10pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee carefully considered the application for a review of the premises licence, taking into account the representation received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee noted that representations had been received on two of the four Licensing Objectives, Prevention of Crime and Disorder, and Protection of Children from Harm and made the following observations:

The Sub-Committee noted that the evidence before them from the Police, in relation to the test purchase was not disputed, and that measures had been put in place including a new Manager, but further steps were required in order to adequately promote the licensing objectives. In light of recent events remedial action was necessary to address those areas of concern.

Selling alcohol to a young person under the age of 18 was a serious offence referred to in the Home Office guidance which the Sub Committee do not take lightly.

It was noted that the DPS was on the premises at the time of the failed test purchase sale and as such was the person responsible who should have been aware of the legal requirements. In view of this, and the personal circumstances of the DPS, the Sub-committee felt that the current DPS should be removed. As indicated at the Hearing, the Sub-Committee agreed that it may be appropriate for the proposed new DPS to apply now as the named DPS on the License, subject to appropriate procedures.

As presented and accepted by the applicant, the Sub-Committee imposed all the conditions which were offered at the Hearing and these would be listed on the License and must be adhered to. These were considered proportionate and appropriate to the establishment, and the facts of the test purchase, and in order to promote the licensing objectives. The Sub-Committee made one amendment to condition 3 by adding the words “any faults to be reported to the police on 101 and rectified within 48 hours”; and, the addition of the wording “and signage to be displayed” to condition 10.

The Sub-Committee felt that the premises licence should also be suspended for a period of 1 month. This was to serve as a deterrent and was considered appropriate to the promotion of the licensing objectives.

The 1-month suspension should be used by the new DPS to ensure that the required training was undertaken and logs produced and robust policies put in place.

An appeal against the decision could be made within 21 days of the date of notification by the licensing authority of this decision in writing. In the event that this decision was appealed, it was noted that costs may be sought by the authority.

The meeting commenced at 10.30 am and concluded at 12.15 pm

Chairman

This page is intentionally left blank