

**Minutes of a Meeting of the Licensing Sub
Committee held at Council Chamber,
Surrey Heath House on 24 April 2017**

+ Cllr Bill Chapman
+ Cllr Pat Tedder

+ Cllr Valerie White

+ Present
- Apologies for absence presented

Reserve Member: Cllr David Lewis

In Attendance: Paula Barnshaw, Administrative Officer (Licensing), Surrey Heath
Borough Council
Kate Butler, Surrey County Council
Rab Carnie, Licensing Officer, Surrey Police
Manmeet Grover, Licence Holder
Jessica Harris-Hooton, Solicitor, Surrey Heath Borough Council
Jasbeer Singh Kapoor
Manpreet Kapoor
Graham Kendall, Expert Witness, Surrey Police
PS Adam Luck, Surrey Police
Mr Panchal, Personal Licence Courses Ltd.
PC Kyle Miller, Surrey Police
Mr Saville, Solicitor, Surrey Police
Derek Seekings, Senior Licensing Officer, Surrey Heath Borough
Council
PC Anna Whiteside, Surrey Police

1/LS Election of Chairman

RESOLVED that Councillor Bill Chapman be elected Chairman of the Licensing Sub Committee.

COUNCILLOR CHAPMAN IN THE CHAIR

2/LS Declarations of Interest

There were no declarations of interest.

3/LS Licensing Sub Committee Procedure

The Sub Committee and meeting attendees noted the procedure that would be followed during the hearing.

**4/LS Application to Review a Premises Licence- Dimons Convenience Store, 126
Frimley Road, Camberley,**

After careful consideration of all the information presented to the Licensing Sub-Committee both written and oral, from the applicant and responsible bodies, the Licensing Sub-Committee concluded that the premises licence in respect of Dimons Convenience Store, 126 Frimley Road, Camberley, GU15 2QN should be revoked.

The Sub-Committee noted the concerns raised by Surrey Police about the illegal sale of Nitrous Oxide canisters from the premises, the lack of training provided to staff in relation to the sale of age restricted products and the failure to keep accurate, up to date records of refused sales.

The Sub-Committee also took note of the fact that:

- It was intended that, as part of the Management Contract entered into on 17 December 2015, the licence should be transferred to Mr Jasbeer Singh Kapoor.
- The terms of the Management Contract applied equally to Mr Jasbeer Singh Kapoor and Mr Hashmeet Singh Kapoor.
- Although a Trading Standards approved staff training package had been issued to the store, staff members had stated in police witness statements that they had not received any formal training and simply sold the stock that was brought into the store by the Manager.
- Concerns had been raised that the Challenge 25 Policy was not being adhered to and that warnings relating to the sale of age restricted goods raised by the cash register's computer software were being ignored by staff in the shop.

The Sub-Committee also noted that one representation had been received from the Child Employment Manager at Surrey County Council in respect of the sale of illegal substances to children under the age of 18 years old, placing them at risk of harm.

In reaching their decision, the Sub Committee took into consideration the representations made in relation to the prevention of crime and disorder, public safety and the protection of children from harm. From the representations made, the Sub Committee did not feel confident that the proposed transfer of the licence or the suggestion that Mr Hashmeet Singh Kapoor would be banned from entering the premises would alleviate concerns about the day to day running of the store when it had been made clear during the hearing that the management contract applied equally to both Mr Jasbeer Singh Kapoor and Mr Hashmeet Singh Kapoor.

The decision making process was a matter of judgement by the Sub Committee and having weighed all the evidence provided by the responsible bodies and the licence holder it was considered that the evidence came down clearly in favour of revoking the licence.

The Sub-Committee noted the Licence Holder's proposal that the licence be suspended for a period of six months to enable training and policies to be put in place. However, it was felt that there had been ample time to put training in place since the original failed test purchase had occurred in 2015 and that, although the member of staff working in the convenience store at the time of the failed test purchase had been sacked, there was no evidence that training had been put in place to help support other staff members to uphold the four licencing objectives.

During their deliberations, the Sub-Committee considered the possibility of placing additional conditions on the licence. It was felt, that in light of the evidence presented at the hearing, the original licence conditions were not being adhered to currently and that there was no guarantee that adding more conditions on the licence would help improve standards. It was therefore decided that this option should not be pursued.

Whilst it was acknowledged that the Sub-Committee had the power to remove the Designated Premises Supervisor, there were clear indications that management and oversight of the store was not sufficiently strong to uphold the licensing objectives and that without any control over who might become the Designated Premises Supervisor, there

was no guarantee that this situation would improve. It was therefore decided that, in this particular case, this would not be an appropriate course of action.

In their deliberations, the Sub Committee noted that the Home Office's 'Revised Guidance issued Under Section 182 of The Licensing Act 2003' published in April 2017, which made it clear that the Licensing Authority's role when determining a licence review that has arisen as a result of a crime being committed on the premises was to ensure the promotion of the crime prevention objective. Furthermore, it was noted that sections 11.27 and 11.28 of Revised Guidance stated that criminal activity pertaining to the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 should be treated particularly seriously and that licence revocation should be seriously considered.

On balance, the Sub Committee decided that not revoking the licence would have an adverse impact on the promotion of the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. The Sub-Committee confirmed that the decision would not set a precedent because each application for a licence to be reviewed would be judged on its merits.

RESOLVED that the premises licence in respect of Dimons Convenience Store, 126 Frimley Road, Camberley, GU15 2QN should be revoked.

Chairman

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