

Licensing Sub-Committee

6 July 2018

Present: Councillors M Green, G Madden and L Spillard

LSQ07/07/18 Appointment of Chair

Resolved that Councillor G Madden be appointed Chair for this meeting.

LSQ08/07/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

LSQ09/07/18 Application for the Review of a Premises Licence – Royal Quays Food Store, Prince Consort Way, North Shields, NE29 6XB (Riverside Ward) (Minute LSQ05/06/18 refers)

The Sub-committee met to consider an application for a review of a Premises Licence in relation to the Royal Quays Food Store, Prince Consort Way, North Shields, NE29 6XB. The matter had been deferred from the meeting of the Sub-committee held on 15 June 2018 to allow the licensee to obtain legal advice and representation at the hearing.

The application had been received from the Local Weights and Measures Authority for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Chief Officer of Police and the Licensing Authority also supported the review of the Premises Licence.

The following parties were present at the hearing: Mr A Burnett, representing the Weights and Measures Authority; Mrs J Lee, representing the Licensing Authority; Mr N Kirkpatrick, representing the Chief Officer of Police; Mr G Jamieson representing the Licence Holder and the Designated Premises Supervisor (DPS) and he was accompanied by Mr S S Atwal (Licence Holder) and Mr S Bangar (Designated Premises Supervisor).

Following introductions the Sub-committee's legal advisor set out the procedure to be followed during the course of the hearing.

The Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Mr Burnett explained that Trading Standards had serious concerns about the management and operation of the Premises following the sale of a bottle of wine to a 16 year old test purchaser on 16 March 2018. Subsequent visits by trading standards officers had identified a number of breaches of the Licence conditions including:

- the CCTV system not working,

- there being no one at the Premises who could supply copies of CCTV images on request;
- the failure to display Challenge 25 materials;
- the failure to maintain the refusals register and the training records on the Premises; and
- the failure to have the Premises Licence available for inspection.

Mr Kirkpatrick explained that the Police had concerns about the management of the Premises as the Licence Holder was rarely at the Premises and it was questionable whether the Designated Premises Supervisor was in a position to sustain the management of the Premises and the other premises that he was responsible for.

Mrs Lee explained that the Licensing Authority had similar concerns as the Police and Trading Standards in relation to the management of the Premises.

Mr Jamieson explained that the test purchase had been failed because of the actions of a member of staff who was heavily pregnant at the time. He also explained that following the test purchase Mr Bangar had tried to examine the CCTV footage but had been unable to do so as the system was not working. Mr Bangar had confirmed that the system had been working when he delivered training to the staff members. Mr Jamieson also explained that Mr Bangar had not been at the Premises when trading standards had visited due to family issues but confirmed that he did visit the Premises on a regular basis.

The Sub-committee was also advised that Mr Atwal and Mr Bangar's accountant was to set up different legal entity to hold the Premises Licence and Mr Atwal would no longer be the Premises Licence Holder.

Mr Burnett, Mrs Lee, Mr Kirkpatrick and Mr Jamieson were invited to sum up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the Premises Licence be suspended for 3 months;
(2) Mr Sunil Bangar be removed as Designated Premises Supervisor of the Premises; and
(3) the following additional conditions be attached to the Premises Licence:-

1. There will be at least one Personal Licence Holder in attendance at the Premises whenever it is open to the public and licensable activities are taking place.
2. The Designated Premises Supervisor will obtain from the BIIAB (or similarly accredited body) a Designated Premises Supervisor Level 2 award within 3 months of becoming a Designated Premises Supervisor of the Premises.
3. The Licence Holder or Designated Premises Supervisor must inform the Licensing Authority, within 24 hours of discovery, that the CCTV system is not fully operational due to a malfunction or for some other reason.
4. The Licence Holder or Designated Premises Supervisor will undertake a diagnostic check of the CCTV system at least once a week to ensure that the system is in good working order.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) There has been an underage sale of alcohol from the Premises;
- b) There has been a failure by the management of the Premises to ensure that the conditions of the licence are fully complied with, including the failure of the CCTV system and the requirement to maintain proper training records and refusal registers;
- c) A suspension of the Premises Licence for a period of three months would give the Licence Holder sufficient time to implement the recommendations agreed by the Sub-committee, for Ms Kaur to become the DPS and to obtain the Level 2 BIIAB qualification and for the CCTV system to be repaired or replaced. A period of suspension would also provide a clear message to the local community that the Authority has taken action to address their concerns regarding the sale of alcohol to minors;
- d) The imposition of the above conditions will deter and prevent further underage sales from the Premises.