

Runnymede Borough CouncilLicensing Sub CommitteeThursday, 14 December 2023 at 2.00 pm

Members of the Committee present: Councillors T Burton (Chair), M Harnden and M Singh.

Also in attendance: Mr E Elton, 12CP Chambers, Mrs J Grant, Surrey Police Licensing Enforcement Officer, Ms C Macbeth, Surrey Trading Standards, Mr R Smith, Senior Licensing Officer, Ms L Woodward, Legal Advisor, and the Premises Licence Holder Mr S Singh-Dawhra, his son Mr R Singh-Dawhra and their representative, Ms S Mahendran

15 **Election of Chair**

Councillor T Burton was elected as Chair for the Sub-Committee.

16 **Notification of Changes to Committee Membership**

There were no changes to the Committee Membership.

17 **Minutes**

The Minutes of the meetings held on 17 and 30 November 2023 were confirmed and signed as correct records.

18 **Declarations of Interest**

There were no declarations of interest.

19 **Procedure**

The procedure for the conduct of business was noted.

20 **Exclusion of Press and Public**

Resolved that –

the press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure exempt information of the description specified in paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.

21 **Application for a Review of a Premises Licence**

The Sub-Committee considered a confidential report regarding the review of the premises licence held by Addlestone Food and Wine, 262 Station Road, Addlestone.

The premises had been the subject of two previous Hearings on 17 and 30 November 2023. The Police had applied for a summary review of the licence following a visit to the premises. The Sub-Committee had on the basis of the information presented suspended the licence as 'interim steps' pending a full review.

The premises licence holder had exercised their right to make representations and the

Sub-Committee had, after consideration of the representations, maintained suspension of the licence on 30 November 2023, pending the full Review.

At the hearing of 14 December 2023, following the report from the Council's Senior Licensing Officer, Counsel for the Police was invited to present their application for the review of the premises licence. The basis of the application was that the licensing objective of the prevention of crime and disorder had been breached owing to a number of items seized at the premises and other evidence found at the premises which indicated that drug dealing was taking place openly and had been for some time.

The Sub-Committee reviewed the photographic evidence taken at the premises on the day of the unannounced visit under warrant and the list of items seized both at the shop and the family home on that same day.

Items found at the shop included two sets of small digital scales, which it was suggested would not normally be found in a retail premises, various items of drug paraphernalia, substances and materials which indicated established illegal activity was taking place. It was noted that the results for the items sent for testing as required by law, were awaited. However, the police were confident, based on several years of experience, that these would be positive for the presence of Class A and Class B drugs.

The police had also carried out a search of the Premises Licence Holder's home address where further evidence had been found, including large amounts of cash, expensive watches and, subject to confirmation, Class B drugs.

Counsel for the Police put forward a comprehensive case that the Premises Licence Holder had failed to have any control over what happened at the premises and was not fit and proper to continue having the licence. At the previous hearings the Premises Licence Holder had asserted that his son, who had been arrested, although not yet convicted of any crime, no longer had anything to do with the business. However, the son had been seen at the premises by a credible witness unloading stock with another family member on Thursday 7 December 2023, which raised doubts as to the validity of his assertion that the business was being run properly or legally.

Officers from Trading Standards were present at the unannounced visit and had also seized illicit goods, which provided more evidence that the premises licence should in their view be revoked. It was not accepted that the goods found were for personal use owing to their presence in the shop.

The Committee asked several questions of the Police, Trading Standards and the Premises Licence Holder in order to satisfy themselves of the evidence being presented and listened to the explanations of the Premises Licence Holder, his son and their representative.

In essence the Premises Licence Holder stated that he had been unaware of what had been happening at the premises and that he had mistakenly trusted his son to run the business legally with minimal contact or supervision. This delegation to his son was also because he had other businesses to attend to, but was now devoting more time to the shop and actively looking for another person to replace his son to run the shop. He re-asserted that his son was no longer involved with the business and had also left the family home. This was also confirmed by his other son who was present at the meeting to support his father.

The representative of the Premises Licence Holder asked the Sub-Committee not to continue with the suspension of the licence and stated that he was becoming suitably qualified to meet all the legal and licensing requirements to run the business properly in future and take responsibility for it.

All parties present were given a full opportunity to state their case, summarise and make a closing statement.

The Sub-Committee retired at 15:40 to consider the matter.

The Sub-Committee reconvened at 16:00. The Chair confirmed that their unanimous decision was to revoke the licence because they did not consider that it was possible for the licensing objectives to be met in terms of the prevention of crime and disorder, nor that additional conditions would remedy this situation.

The Sub-Committee also decided that the interim steps should stay in place.

Should the Premises Licence Holder choose to exercise his right of appeal to the Magistrates' Court he was advised to do so within 21 days of the decision being notified to him formally in writing.

Resolved that –

- i) the premises licence in respect of Addlestone Food and Wine Superstore be revoked; and**
- ii) the interim steps in respect of the premises licence for Addlestone Food and Wine Superstore remain in place**

(The meeting ended at 4.05 pm.)

Chair