



Licensing Sub Committee

Thursday, 14 December 2023 at 2.00 pm

Committee Room - Civic Centre

Members of the Committee

Councillors: T Burton, M Harnden and M Singh

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: Democratic.Services@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring 01932 425622. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on

the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

List of matters for consideration
Part I

Page

Matters in respect of which reports have been made available for public inspection

1. **Election of Chair**

To elect a Chair of the Sub-Committee.

2. **Notification of Changes to Committee Membership**

3. **Minutes**

4 - 8

To confirm and sign as a correct record the Minutes of the meetings held on 17 and 30 November 2023 (Appendix 'A').

4. **Apologies for Absence**

5. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

6. **Procedure**

Officers will go through the procedure for the meeting.

7. **Exclusion of Press and Public**

Officers' Recommendation 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 of exempt information of the description specified in paragraphs 1, 3 and 7 of Part 1 of Schedule 12A of the Act

Part II

8. **Application for a Review of a Premises Licence**

9 - 104

This report is exempt on the basis that it identifies individuals and other relevant information.

Runnymede Borough CouncilLicensing Sub Committee

Friday, 17 November 2023 at 2.00 pm on Ms Teams/in person

Members of the Committee present: Councillors T Burton, M Harnden and J Wilson.

Also attended by Mr R Smith, Senior Licensing Officer, Ms L Woodward, Legal Advisor and Mr D Bradding, Principal Environmental Health Officer.

6 **Election of Chair**

Councillor J Wilson was elected Chair of the Sub-Committee.

7 **Declarations of Interest**

There were no declarations of interest.

8 **Procedure**

Those present noted the procedure to be followed in conducting a Summary Review in accordance with the legislative framework.

9 **Exclusion of Press and Public**

It was Resolved that the press and public be excluded from the meeting during discussion of the report in accordance with Section 100A (4) of the Local Government Act 1972 and in relation to the disclosure of information as described in paragraphs 1, 3 and 7 of Part 1 of Schedule 12A of the Act.

10 **Application for a Summary Review of a Premises Licence**

The Senior Licensing Officer went through the report, explaining the legislation, that an interim step hearing is required to be held within 48 hours of the police application, that the warrant took place on 10.11.23. During the "raid", the son was present on the premises and class A & B drugs were found. When the police visited his personal address (which he shares with his father, the Designated Premises Supervisor), they found further drug paraphernalia.

The Police made the application under s53A on 16.11.23 as they felt this was their only option in this matter.

The Senior Licensing Officer continued that there had been no contact in writing, so he went to the shop on the morning of the hearing and saw the shop owner and made him aware of the hearing.

The father has been the licence holder and DPS since the opening of the shop. The son was working at the shop.

Since the visit, the Officers have received an email from the shop owner, which was shared with the Committee and everyone read. The Owner advised that his son had now been suspended from his position and would no longer be in the shop.

Officers brought the Committee's attention to the flow chart at the appendix of the guidance, which provided a helpful aide memoire to the process, in particular sections 5.4 and 5.5 of the guidance.

It was confirmed the full review needed to take place by 14.12.23 (inclusive).

Officers confirmed that if interim steps are taken, the Shop Owner can make representations and a new hearing would need to take place within 48 hours of the representations being made.

Officers then went through the police application:

- Signed by Superintendent
- Details on review form
- All items seized have been sent for testing
- Searched the home address, shared with the dad who is the DPS and owner of the premises
- Police considers the store is used for drug dealing & ask for the licence to be suspended

The following questions were asked by Members of the Sub-Committee:

One Member noticed that the Personal Licence was issued by another Council. Officers confirmed that the Personal Licence is issued by the Council where the applicant resides at the time of the application, that this would also be considered by the police (who should have contacted the relevant authority). Officers also confirmed that the licence holder will see the full application for the full hearing. It was also confirmed that the Premises Owner had been sent a copy of all the paperwork in front of the Councillors. Officers added that all responsible authorities will see the paperwork and a summary was on the Council's website.

The Committee reiterated that this was a very serious allegation and it was asked if any further complaints had been received since the licence was first granted. Officers confirmed that the Council had not received any but the Police had been aware of the issues there for a while (as per report).

A member wanted to know if the result of the chemical analysis would be present for the full hearing and Officers advised they were not sure, as it would depend on how quick the provider is. It was also confirmed that if the Councillors were minded to take the licence away today, the owner would still be able to trade but would have to remove all alcohol from the premises. Officers also confirmed that the Licence Holder could only make representations once.

There was a brief pause in proceedings to resolve some technical issues.

Officers then confirmed that if the Interim Steps are confirmed at the full hearing, they would stay in place during any appeal process.

The sub-Committee retired for a full but swift deliberation on the way forward and reconvened to confirm that the decision was to suspend the licence with immediate effect.

The meeting finished at 3.10 pm after which the notice would be served in person at the premises.

(The meeting ended at 3.10 pm.)

Chairman

Runnymede Borough CouncilLicensing Sub CommitteeThursday, 30 November 2023 at 9.00 am on MS Teams/in person

Members of the Committee present: Councillors T Burton, D Clarke and M Singh.

Also attended by: Mr R Smith, Senior Licensing Officer, Ms L Woodward, Legal Advisor, Ms Joan Grant, Surrey Police Licensing Officer, Mr Thomas Griffiths, Barrister, Citadel Chambers, Counsel for the applicant, Mr Surpal Singh Dawrha accompanied by his licensing agent, Mr Surendra Punal

11 Election of the Chair

Councillor T Burton was elected Chair of the Sub-Committee.

12 Declarations of Interest

There were no declarations of interest.

13 Procedure

The Procedure for the meeting was noted.

14 Hearing of representation against interim steps**Officer's Report**

The report concerned representations made against the Sub-Committee's decision to introduce interim steps following a summary licence review under section 53A of the Licensing Act 2003, which took place on 17 November 2023.

The Committee were asked to consider whether the interim steps put in place on 17 November 2023 were appropriate for the licensing objectives.

The interim steps involved suspension of the premises licence, and representations were received against the interim steps on 28 November.

Applicant's Representative's Presentation

The applicant's representative advised that whilst there were ramifications to the licence the case was a criminal matter, for which a charge had not yet been issued, rather than a licensing issue. Suspension of the licence meant that alcohol was not permitted to be sold but the premises could remain open.

The applicant's representative argued that suspending the licence was a disproportionate step given the lack of bearing on the original concern that the police raised and suggested that adding conditions to the licence would be more appropriate.

These conditions could include the individual subject to a police investigation being prohibited from being at or in the premises indefinitely, CCTV could be provided to the police or local authority on demand, and only DBS checked suitably trained staff could be allowed to work in the premises.

The applicant, who is the Owner of the Premises, Premises Licence Holder and DPS would

now be spending more time at the premises, as the alternative premises where he had been spending his time, now had suitably qualified staff running the store on his behalf.

It was also emphasised that a family connection and living in the same household did not automatically mean that there was also a close criminal connection unless the police could provide evidence of criminality, and furthermore the individual in question had now been banished from the family premises.

Police Report

The police's position remained the same as in response to the summary review application, including the statement from a senior police officer confirming the belief that the premises was involved in serious crime, as a consequence of which the licensing objective, specifically of the prevention of crime and disorder, was not being promoted.

The police concurred with the Sub-Committee's interim steps in suspension of the premises licence and it was believed highly likely that the applicant would have been aware of the alleged activity being carried out at the premises.

The police asked the Sub-Committee to continue with the suspension of the licence pending a full hearing on 14 December 2023.

The police representative rejected the suggested conditions put forward as being unworkable and impossible to monitor, whilst commenting that requesting a closure order rather than suspending the licence would also have led to a hearing and would have had the same consequences.

The meeting retired at 09.40am to consider the representations.

Deliberations

Following a period of deliberation from which the press and public were excluded by resolution, the Sub-Committee presented their decision at 10.18am. The Sub-Committee confirmed it had considered all the evidence presented by all parties, considered all the material put before it, including the supplemental representations, and concluded that the licence would continue to be suspended until the full hearing, set to take place some two weeks later.

It was felt that the conditions proposed by the Licence Holder would not be enforceable as a mechanism to ensure the prevention of crime and disorder and that, considering the length of time the alleged offence had continued and the level of crime of the alleged offence, the suspension of the licence was proportionate.

(The meeting ended at 10.21 am.)

Chairman

By virtue of paragraph(s) 1, 3, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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