

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

