

Runnymede Borough Council

Licensing Sub Committee

Thursday, 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