

## MINUTES

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

12 DECEMBER 2016

**Councillors:** Mrs Bassadone  
P Hearn (Chairman)  
R Sutton

**Officers:** Ross Hill                      Licensing Team Leader  
Barbara Lisgarten              Legal Governance Team Leader and  
   Deputy Monitoring Officer  
Katie Mogan                      Member Support Officer

The meeting began at 10.00 am

#### **1                      MINUTES**

The minutes of the meeting held on 23 May 2016 were confirmed by the members present and then signed by the Chairman.

#### **2                      APOLOGIES OF ABSENCE**

There were no apologies for absence.

#### **3                      DECLARATIONS OF INTEREST**

There were no declarations of interests.

#### **4                      PREMISES LICENCE APPLICATIONS UNDER THE LICENSING ACT 2003**

The Sub-Committee were required to consider an application for a new premises licence for the following premises:

Ration Book Bakery  
67A St John's Road  
Hemel Hempstead  
Hertfordshire  
HP1 1QG

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. Councillors Mrs Bassadone and R Sutton confirmed they had read the documents at hand.

The Chairman asked the applicants if they wish to add anything to the report.

Mr Habachi said that since June, the Ration Book Bakery has held wine nights under temporary event notices which have proved very popular with the local community. This is a start up business and both applicants are local residents.

Ms O'Byrne said she was a trained chef and held a personal alcohol licence.

The Chairman asked R Hill if he had anything to add to the report.

R Hill said the committee were asked to consider an application for the grant of a premises licence and the options available to them were listed in the report. The objector to this application had sent an email apologising that he was now unable to attend the hearing, and asking that his written representation be considered by the committee. Furthermore, a petition had been submitted by the applicants in support of the application for an alcohol licence.

R Hill passed the petition to the members of the committee.

Mr Habachi said he accepted the concerns of the objector and would like to clarify some points in the application. At no stage did he intend to turn into an off licence. It is a quaint, small, tea room like premises and is a small family business. Mr Habachi said his interest came about from a family friendship and with a licence to sell alcohol; it will introduce a new strand into the business. The customers are local and the alcohol to be sold on the premises is not conventional alcohol that can be found in an off licence. The aim is to appeal to an up market audience providing cream teas with prosecco, baby showers and wine tasting events. Since June, the wine nights have been a monthly event and have proved there is a local demand and support for this kind of business. Mr Habachi explained that he was previously a police officer in the Metropolitan Police mainly covering Hackney and was heavily involved with the night life in Shoreditch so totally understood licensing issues. The objector's reasons were valid but staff would not serve alcohol to those already intoxicated and parties would not suit the business aims and were not the intention. The applicants had offered to reduce the proposed opening hours in response to the concerns raised but mediation between the applicants and the objector had ultimately been unsuccessful.

The Chairman asked for clarification on the size of the premises, inside and outside.

Mr Habachi said the total capacity was 15 plus staff. The inside seating provided six seats and outside there were nine seats.

The Chairman asked if there was cover for the outside seating.

Mr Habachi said that there was and that the outside seating was set back from the pavement in an alcove.

Councillor Mrs Bassadone referred to page 21 and asked if the outside toilet was shared.

Ms O'Byrne said it was a shared toilet with two other businesses. One is a dog grooming shop and the other is a medical supplies company.

Councillor Mrs Bassadone asked if it was one unisex cubicle.

Ms O'Byrne said yes.

Councillor Mrs Bassadone said that the objector mentions the other pubs and clubs in the area. She asked for clarification on where the club was.

Ms O'Byrne said there is a private social club on Horsecroft Road.

Councillor R Sutton asked if, as the premises were quite small, did staff stop letting people in when the premises were full?

Ms O'Byrne confirmed that the cream teas were booked by appointment only to make sure there is enough room.

The Chairman asked who was responsible for the cleanliness of the shared toilet.

Ms O'Byrne said all three shops were jointly responsible.

The Chairman asked if it was the applicants' intention to make the amendments to the licensing hours as stated in their letter to the objector.

Mr Habachi said he understood the concerns of the objector in relation to the later opening hours and so was happy to adjust the hours. The hours are later on a Friday and Saturday to accommodate wine tasting events.

The meeting was adjourned at 10.17 am.

The meeting reconvened at 10.28 am.

Resolved:

That the application for a premises licence be granted with the following amended operating hours:

Supply of alcohol (for consumption both on and off the premises);

Hours the premises may open to the public

Monday to Thursday 10.00 to 18.00 hours

Friday & Saturday 10.00 to 23.00 hours

Sunday 12.00 to 18.00 hours

Christmas Eve 17.00 to 23.00 hours

New Year's Eve 17.00 to 01.00 hours

Valentines Day 17.00 to 23.00 hours

St Patrick's Day 17.00 to 23.00 hours

The Committee considered the 4 licensing objectives and the Council's statement of licensing policy, the representation from a local resident and the submissions of the

applicants. The Committee noted that no representations were made by the statutory responsible authorities.

The Committee noted the concerns of the objector about how he felt that the premises may impact upon his quality of life and the licensing objectives. The Committee also noted the reduced operating hours that had been offered by the applicants during the mediation process, and the submissions about how the business would operate if a licence was granted.

The Committee felt that the application contained sufficient preventative measures to deal with the concerns which had been raised, and agreed unanimously that it would not be inappropriate to the promotion of the licensing objectives to grant the application, subject to the reduced hours suggested by the applicant.

## B. REVIEW OF A PREMISES LICENCE

The Sub-Committee were required to consider an application for review of a premises licence for the following premises:

Little Convenience Store  
62 Western Road  
Tring  
Hertfordshire  
HP23 4BB

The Chairman asked R Hill if he had anything to add to the report.

R Hill said that the details of the review application were as set out in the report, on page 36 of the agenda. The review application had been made by the police in response to an incident involving the sale of alcohol to a person under the age of 18, which led to that individual requiring emergency medical treatment.

The Chairman asked Mr Ward if he wished to add anything to the report.

Mr Ward said his role was to investigate licensing matters across the borough. Mr Ward said he first became involved with this premises when it was known as a Costcutters in March. After the first incident, Mr Ward said he attended the shop and found a number of licensing issues and so sat down with Mr Mahalingam and set out a action plan to prevent the sale of alcohol to under 18's again. Mr Ward said he became involved again with the premises after the incident set out in the agenda and Mr Mahalingam was interviewed under caution. It was found that there was a distinct lack of management and non-licence holders were serving customers' alcohol. There was also a language barrier. The member of staff that served the alcohol to the underage boy was issued with a Fixed Penalty Notice by the police. This application was made as there was a need to place extra conditions on the premises' licence to deal with these issues. The incident in October could have easily resulted in a fatality.

The Chairman invited Mr Mahalingam to make a comment.

Mr Mahalingam said that since the incident in October, he had been in constant contact with Mr Ward. After the first incident in March, he asked for the CCTV to be recording at all times and to give training to all staff. The incident in October was recorded on CCTV and this was given to Mr Ward. Mr Mahalingam said he suspended the member of staff that sold the alcohol and this member of staff has since left the job. Two new employees now work in the shop; one has a personal alcohol licence and the other staff member will be going on the course. Mr Mahalingam will be applying to specify a new designated premises supervisor (DPS) – at the moment, the member of staff took the exam two weeks ago and is waiting for the personal licence to arrive before the application can be made. Mr Mahalingam said he will be eventually selling the business to the new employees. He added that he was making sure all of Mr Ward's suggestions are being complied with and any new staff receive a training pack that they must sign to say they understand what they have been told. The shop now practices Challenge 25 and posters have been displayed.

The Chairman asked Mr Mahalingam how many children bought the alcohol in the incident in October.

Mr Mahalingam said he understood that one child bought the alcohol and shared it with others.

Councillor Mrs Bassadone referred to the interview in the agenda and said she was confused about the children distinguishing between the older and younger man. Councillor Mrs Bassadone asked Mr Mahalingam how old he was.

Mr Mahalingam said he was 37 and his brother in law was 40.

Councillor Mrs Bassadone asked why Mr Mahalingam only visited the shop once a week.

Mr Mahalingam said the previous member of staff had 6-7 years of retail experience and had been working at the shop for 11 months. He visited the shop once a week to help with the cash and carry.

Councillor Mrs Bassadone asked Mr Ward why the boys' statements were quite similar and said some of the paragraphs read almost identical.

Mr Ward said after interviewing one boy, the other was aware of what had happened. He said he does not ask specific questions so it is just the way the notes are made.

The Chairman asked Mr Mahalingam if he was happy with the conditions proposed by the police.

Mr Mahalingam said that he agreed with the proposed conditions.

The Chairman asked if anyone had anything else to say.

Mr Mahalingam said it was not his intention to sell alcohol to people under the age of 18. He is making a living and said he would not like his own daughter being able to buy alcohol underage in a shop. Mr Mahalingam said he will make sure this will never happen again and will ensure staff training is up to date.

The meeting was adjourned at 10.45 am.

The meeting reconvened at 11.09 am.

Resolved:

That the premises licence for Little Convenience Store, 62 Western Road, Tring, be modified by way of imposition of the following additional conditions:

1. A Personal Licence holder must be on the premises during hours of trading.
2. Every sale or supply of alcohol under the premises licence must be made or authorised by a personal licence holder
3. The DPS will attend the premises on a minimum of two occasions per week to maintain a robust management of staff and to ensure that the Licensing Objectives are strictly adhered to. Each visit to be recorded in the Refusals Log by way of a timed & dated signature.
4. The Premises Licence Holder shall ensure that an Age Verification Policy applies to the premises in relation to the sale or supply of alcohol.
5. The policy referred to above must require individuals, who appear to the responsible person to be under 18 years of age (Or such older age as may be specified) to produce, on request, and, before being served alcohol, identification bearing their photograph and date of birth.
6. A "Challenge 25" scheme is to be in place and notices of this prominently displayed within the store.
7. All staff shall be trained in relation to under-age related sales of alcohol.
8. A record of alcohol related training of staff shall be maintained and updated accordingly.
9. All sales or supply of alcohol will be made using only an electronic till. The till will prompt when alcohol is scanned to remind staff to check the age of the purchaser.
10. "Age Refusals Register". A refusals book will be kept to record where sales of alcohol are challenged or refused. The register will be examined weekly by the DPS who will endorse the document accordingly.
11. All staff shall be fully conversant in the English language
12. The premises shall operate a digital CCTV system that covers all areas where beers, wines and spirits are displayed together with the service counter. Images shall be retained for a minimum of 31 days and made available, on request, by police or relevant authority officers

13. All staff shall be proficient in the operation of the CCTV system and be able to produce downloaded images on request of police or responsible authority officers.

14. Mr RAJAYAGAM will not be permitted to sell alcohol or tobacco at any time during trading hours.

The Committee considered the material in the review application, as well as the submissions of the licence-holder, the licensing objectives and the Council's statement of licensing policy.

The Committee were very concerned about the failings at the premises that led the police to make this application. The latest incident had had serious consequences, resulting in a child needing medical treatment and could have been much worse.

The Committee had considered suspending or revoking the licence. However, they took into account the licence-holder's acceptance of the proposed additional conditions, and his willingness to work with the police to remedy the issues at the premises. The Committee agreed that these additional conditions, if implemented fully, would be adequate to address the problems identified by the police. The Committee also noted that new staff were in the process of being licensed with a view to taking over the running of the premises.

Therefore, the Committee agreed, unanimously, to modify the current licence conditions to include the above conditions.

The Meeting ended at 11.12 am