

## **LICENSING COMMITTEE – LICENSING HEARING**

Minutes of the meeting of the Licensing Hearing  
held on 25 February 2010 commencing at 10 a.m.

Present: Sub-Committee B: Cllrs. Cooke, Darrington and Dawson (substituting for Cllr Davison)

Also present:

Ms E. Shaw	- Applicant, Police Licensing Officer
Mr . Cooper	- District Commander
Mr R. Strawson	- Kent County Council Trading Standards
Mr O. Jewel	- Kent County Council Trading Standards
Ms. L. Parkinson	- Kent County Council Trading Standards
Mr L. Charalanbides	- Of Council, Objector's Legal Representation
Mr H. Patel	- Objector, Licence Holder
Mr M. Patel	- Objector
Mr G. Patel	- Objector
Mr J. Patel	- Objector
Cllr. Mrs. Morris	- Sevenoaks District Council
Cllr. McInnes	- Sevenoaks District Council
Ms L. Felton	- Principal Solicitor
Mrs C. Perry	- Assistant Licensing Manager
Mrs L. Leeds	- Licensing Officer
Mr R. Keatley	- Democratic Services Officer

### 1. ELECTION OF CHAIRMAN

Resolved: That Cllr. Darrington be appointed Chairman of the meeting.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any matter discussed or voted on at the meeting.

### 3. APPLICATION BY KENT POLICE, TONBRIDGE POLICE STATION, FOR A REVIEW UNDER THE LICENSING ACT 2003 OF THE PREMISES LICENCE FOR SHURLOCK STORES, 38 SHURLOCK AVENUE, SWANLEY, KENT, BR8 7ST 1 PEMBURY ROAD, TONBRIDGE, KENT TN9 2HS

The Hearing gave consideration to the report by the Community and Planning Services Director giving details of an application for a review of the premises licence at Shurlock Stores, Swanley from Kent Police.

The Hearing heard from the applicants, Kent Police, that the premises licence had been previously reviewed on 2 September 2008 following an application by Kent County Council Trading Standards on 2 August 2008. This was after the premises had failed a Trading Standards test purchase and alcohol had been sold to a 16 year old.

During 2009 information was received from various sources in relation to possible drug offences and underage sales of alcohol. The applicant explained that drugs had been found in the premises during a warrant search, as out-lined in Appendix D to

the report. The applicant also referred to a letter sent by Trading Standards to the premises licence holder with regards to conditions of the licence not being met, attached as Appendix E to the report. A further test purchase operation was carried out on 27 August 2009 where a sale was made to a 16 year old female. Since December 2009 Kent Police had undertaken a further search of the premises and found a large amount of cannabis. The applicant expressed concern the licence holder had consistently failed to comply with the conditions of the licence and to adhere to the licensing objectives. The applicant felt that further conditions on the licence would have no effect and subsequently they were requesting the licence be revoked.

The Hearing heard from Kent County Council Trading Standards that the failure of the test purchases and sale of alcohol to children under the age of 18 showed a failure to comply with the licensing objectives in protecting children from harm.

The Hearing heard from the objector's legal representative that the premises had already adopted a challenge 25 policy and had put in place a detailed refusals book. It was also explained that the landlord of the property had added a condition to the lease that the premises was not to sell alcohol to anyone under the age of 21. It was recognised that a licence suspension was important for positive changes to take effect. It was proposed that additional conditions be added to the licence requesting CCTV coverage at the front and rear of the premises as well as at the till and in the store room. The recordings be kept for 30 days and given to an authorised officer on request. An EPOS till system be introduced with the capability to remind staff for ask for ID for age restricted products. The licence holder would have a dedicated contact number on which they could be reached by Kent Police and Trading Standards, it would also be the responsibility of the licence holder to inform parties of any change to this number. Mr. Mitul Patel would not be employed on the premises or visit the premises for a period of 12-18 months. On the expiry of a suspension Mr. Jayesh Patel would take over as the Designated Premises Supervisor.

Following queries from Members of the Hearing it was explained that:

The quantity of drugs found was too high for personal use.

The licence holder had been running the premises for approximately 4 years.

The licence holder had only become aware that drugs were being sold at the premises in August 2009, i.e. at the time of the police search, at this point a member of staff living above the premises had been dismissed.

Since August 2009 measures had been put in place to introduce a refusals book and a member of staff had been dismissed.

It was stated by the Objector that the premises was to be sold, and the proposed purchaser was not a member of the family.

The proposed purchaser was satisfied to proceed with the purchase on the grounds that the licence was not revoked at the Hearing.

The new DPS would initially be involved in the day to day running of the premises and also responsible for overseeing compliance with the licence conditions. If the situation improved it was hoped the DPS could move to a more part time role at a later date.

The Hearing heard closing remarks from the applicant who they felt there was insufficient evidence to suggest that new conditions would be adhered to and there would be any positive improvement with a change of DPS. Subsequently they recommended that the licence be revoked.

At 11:16 a.m. the Hearing adjourned

At 12:47 p.m. the Hearing reconvened.

It was unanimously

Resolved: That the licence be suspended for 3 months, from the date of the Hearing and additional conditions be attached to the licence that:

- (a) The Designated Premises Supervisor (or another person holding a Personal Licence) should at all times be in the shop floor area to personally supervise age restricted sales.
- (b) A Challenge 25 policy should be publicised in store with the use of sufficient notices for all potential purchasers to be aware of the policy and this policy should be adhered to in all instances.
- (c) A refusals register is to be completed every time a refusal is made to someone because they appear under 25 in a format agreed by Kent Trading Standards.
- (d) The refusals register should be checked and reviewed weekly by the DPS and a signature applied to the book to verify this.
- (e) There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of the staff to confirm they have been trained in relation to sales of age restricted goods. This training should include (but not limited to):
  - Making all staff fully aware of the Challenge 25 policy.
  - Training all staff on the use of a refusals register as described in point
- (f) Forms of identification which are to be accepted as proof of age must be limited to a passport, driving licence (with photo) or pass approved proof of age card.
- (g) The installation of CCTV externally, internally, in the store room and at the rear of the premises with consultation and with the approval of Kent Police. The recordings to be kept for a minimum of 30 days and made available to enforcement officers on request. The DPS to be responsible that staff are all trained in the use and procedures regarding retention of recorded materials.
- (h) On the expiry of the suspension Mr. Jayesh Patel shall take over as the Designated Premises Supervisor.
- (i) EPOS scanning tills shall be installed on the premises, which include the facility to remind staff to enforce Challenge 25 policies.

- (j) The DPS will provide a dedicated contact telephone number, so that the police licensing officers and other enforcement officers can contact the DPS at all times. The DPS will be responsible for informing such officers if there is a change in the contact number.
- (k) Mr. Mitul Patel is not to be employed on the premises or visit the premises from the date of this notice for a period of 18 months.

There is to be a satisfactory assessment of compliance with all licensing conditions made by Kent Trading Standards prior to the sale of alcohol recommencing. The Reasons for the decision are for the prevention of crime and disorder and the protection of children from harm in accordance with the licensing objectives.

THE MEETING WAS CONCLUDED AT 12:56