

Please reply to:

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Our ref: GH/LIC
Date: 28 November 2022

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 18 November 2022

Applicant: Mr. Jaswinder Singh Malhotra

Premises: Londis
42 High Street
Shepperton
TW17 9AU

REASON(S) FOR HEARING: Relevant representations received from other parties concerning Crime and Disorder and Prevention of Public Nuisance:-

- potential for increase in anti-social behaviour
- potential for increase in noise

DECISION

Granted subject to modification of conditions
With effect from 18 November 2022

REASONS FOR DECISION

1. The application is for a premises licence at 42 High Street, Shepperton TW17 9AU.

Attendance

2. Two people attended the Sub-Committee hearing to make representations. They are:
 - Mr. Jaswinder Singh Malhotra, Applicant;
 - Mr. Surendra Panchal, Personal Licence Courses, representative and agent for Mr. Malhotra.

Evidence

3. The Licensing Sub-Committee considered all of the relevant evidence made available to it at the hearing including:
 - The Report of the Licensing Service; and
 - Written representations from three other parties including the Shepperton Residents Association.
4. In considering all of this evidence, the Sub-Committee has taken into account the Regulations and National Guidance under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

Application

5. An application for a Premises Licence at 42 High Street, Shepperton; was received to permit the sale of alcohol seven days a week from 07.00 to 23.00.
6. The public was consulted in accordance with the Licensing Act 2003. The required notices were displayed and published in the Staines and Chronicle Informer on 07 October 2022.
7. The application generated three representations from other parties. No representations were received from any of the responsible authorities.

EVIDENCE

Background

8. The premises forms part of a parade of shops situated in a primarily residential area of Shepperton. Other shops in the parade include two other stores selling alcohol.
9. The Spelthorne Licensing Service had liaised with the applicant regarding the imposition of conditions about CCTV, staff training and the refusals register in advance of the hearing. The applicant agreed this new wording for inclusion in its operating schedule in place of that proposed, for such a time that the licence may be granted.
10. The agreed condition reads:
 1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to Responsible Authorities.
 2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
 3. The CCTV system shall display on any recordings, the correct date and time of the recording.
 4. A member of staff trained in the use of the CCTV system shall be always available at the premise when the premises are open to the public.
 5. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the internal area and servery counter.
 6. A suitable intruder alarm complete with panic button shall be fitted and maintained.
 7. An incident log shall be kept at the premises and made available for Inspection on request to Responsible Authorities.
 8. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.
 9. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood.
 10. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
 11. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
 12. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
 13. A refusal book shall be kept at the premises and updated as and when required, and made available for inspection on request to a Licensing Officer, Police or other responsible authority.
 14. All staff (paid or unpaid) shall be trained in respect of the law relating to the sale of alcohol, acceptable forms of ID, Challenge 25 and the procedure on handling, record refusals and operating procedures. Written records to be kept to document that all staff have had training reflecting the date training was given, the name of the person who gave the training, the person who

- received the training and signatures by both trainer and trainee. All staff to receive refresher training on all of these aspects every six months. Training documentation to be made available to Responsible Authorities on request.
15. All spirits must be located behind the counter and must be sold by counter servers only.
 16. Alcohol displayed within the premises must be located so that staff can view these displays at all times.
 17. Single cans of alcohol must not be sold from the premises.
 18. There must be no alcohol displayed within 2 metres of the store entrance save for spirits displayed behind the counter.

Applicant

11. The applicant's representative, Mr. Panchal, stated that no Responsible Authority had objected to the application. He detailed the training programme that Mr. Malhotra had in place; all staff members would attend a training course with Personal Licence Courses and would not be permitted to work behind the till until they had been trained. They would receive training from Mr. Panchal to only accept passport or driving licence ID.
12. Mr. Panchal confirmed that all staff would be trained in the use and operation of the CCTV system.
13. Mr. Panchal highlighted some other measures Mr. Malhotra had in place to ensure the premises operated in accordance with the licensing objectives; he would use a refusal register and incident book, and would report any problems to the police.
14. Mr. Panchal advised that he had many years' experience in the licensing trade. He worked in his family's 2 other licensed premises and holds a personal licence himself.

Representations

15. Written representations were received from three parties raising the following objections to the application under the licensing objectives:

Prevention of crime and disorder

- A potential for increase in alcohol related crime and disorder

Prevention of public nuisance

- A potential for increase in alcohol associated anti-social behaviour
- A potential for increase of noise nuisance throughout the day and night from customers

Findings

16. The Sub-Committee has considered the representations made by the applicant and other parties and finds as follows: -
17. The applicant has demonstrated to the Sub-Committee that he has policies in place to promote the licensing objectives on the prevention of crime and disorder and public nuisance including: CCTV inside the premises and a Challenge 25 policy in operation.
18. The Sub-Committee is satisfied with the arrangements that are in place at the premises to promote the licensing objectives. However, the Sub-Committee notes that the staffing arrangements are heavily dependent on the presence of employees at the premises rather than the premises licence holder. The Sub-Committee was concerned about the impact of unsupervised sales of alcohol.
19. The Sub-Committee has considered the written representation that there are already problems of noise and anti-social behaviour from the existing alcohol licensed premises in the area and that the representor fears a further premises selling alcohol would add to these problems.
20. The Sub-Committee can only determine this application on its own merits and cannot take into account the impact that other licensed premises are having on the licensing objectives. The Sub-Committee is also mindful that the Applicant has minimal ability to intervene positively in such issues if they take place away from the licensed premises. If the operation of other premises in the vicinity are causing problems of crime and disorder and anti-social behaviour, then these should be brought to the attention of the relevant authorities, i.e. Surrey Police and Spelthorne Borough Council's Licensing team.
21. The Sub-Committee has considered whether there is a very real threat of the fears described in the representation actually occurring. Due to the absence of the representor at the hearing, the Sub-Committee is only able to attach limited weight to the representation, as the representor's views and evidence could not be tested.
22. Furthermore, the Sub-Committee notes that none of the Responsible Authorities made any representations against the application, nor did Surrey Police corroborate the allegations of antisocial behaviour in the shopping parade or raise an objection under the licensing objective of crime and disorder. The Sub-Committee therefore finds that there is very little evidence of anti-social behaviour and other crime and disorder.

23. The Sub-Committee is not persuaded that there is a real threat of the fears described in the written representation occurring. However, the Sub-Committee is concerned that the staffing levels at the premises will not sufficiently uphold the Licensing Objectives related to preventing the sale of alcohol to children.
24. Consequently, the Sub-Committee considers it appropriate and proportionate to apply any conditions to address these concerns. In reaching this conclusion, the Sub-Committee has regarded Spelthorne Borough Council's Statement of Licensing Policy and paragraph 9.39 of the National Guidance which states that "any conditions imposed must be appropriate for the promotion of the licensing objectives."
25. The Sub-Committee therefore considers on the basis of the evidence that it has heard and the findings of fact that it has made, that there is no need to take further action for the promotion of the licensing objectives at these premises or depart from the Spelthorne Borough Council Statement of Licensing Policy or National Guidance.

Decision

26. For the reasons stated above, the Sub-Committee confirms that the application for a premises licence be granted subject to the following conditions as agreed with the Applicant in advance of the hearing and at the subsequent hearing:
 - 26.1. The conditions proposed by the Applicant at Paragraph 10 above are accepted as conditions of the premises licence.
 - 26.2. All sales of alcohol shall be authorised by a Personal Licence Holder;
 - 26.3. There shall be 2 members of staff present on the premises from 16:00 – 23:00 Monday-Sunday.

Conclusion

27. That is the decision of the Sub-Committee. A copy of this decision has been provided to all parties concerned within 5 working days of the Sub-Committee hearing.
28. You have the right to appeal against this decision to the Magistrates' Court within 21 days of receipt of this decision notice.

29. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates Court can be contacted on 01483 405 300.

Cllr S.A Dunn - Chairman
Cllr S. Buttar
Cllr A.C Harman

Date of Decision: 18 November 2022
Date of Issue: 28 November 2022