



LICENSING ACT 2003

Application for the summary review of a premises licence Decision Record

APPLICANT: Hampshire Constabulary

PREMISES: Victoria Food and Wine, No. 133 Victoria Road, Aldershot

DATE OF HEARING: 11th April, 2023

MEMBERS SITTING: Cllrs Jessica Auton, P.J. Cullum and Nem Thapa

DECISION

With immediate effect, to

- i) revoke the licence under s52(4) of the 2003 Act; and
- ii) continue with the interim steps imposed at the licensing hearing on 16th March, 2023.

REASONS

The licensing authority, Rushmoor Borough Council, considered a summary review of the premises licence, made under section 53A of the Licensing Act 2003, of Victoria Food & Wine, No. 133 Victoria Road, Aldershot.

The application was considered by the Licensing Sub-Committee (Alcohol and Entertainments) at its meeting on 11th April, 2023 at the Council Offices, Farnborough Road, Farnborough. The review was conducted as per the Sub-Committee's standard procedures.

Exclusion of the press and public

Due to the nature of the evidence contained within the report and the fact that it contained exempt information as defined by Schedule 12A of the Local Government Act 1972, the Members considered the issue and resolved to exclude the press and public on the basis of the public interest being in favour of excluding them due to the nature of the exempt information at issue.

Background

On the 14th March, 2023, a responsible authority, namely Hampshire Constabulary, submitted an application for a summary review of the premises licence held in respect of Victoria Food & Wine, No. 133 Victoria Road, Aldershot.

The shop has held a premises licence since March, 2006 and was transferred to the current licence holder in December, 2021. The licence was subject to review in September, 2022, at which time the Sub-Committee determined to suspend the licence for 3 months, reduce the hours for the sale of alcohol and amend the conditions. This decision is subject to an appeal by the Magistrates Court and, therefore, has not yet taken effect.

The review application was sought under the grounds of serious crime for the offences of; assault on an emergency worker; handling stolen goods; reselling stolen goods and exploiting vulnerability.

In accordance with the legislation, a hearing had been held on 16th March, 2023, where the Sub-Committee had determined to suspend the licence with immediate effect as interim steps, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime or serious disorder.

The Sub-Committee heard from:

Ms Shelley Bowman – Rushmoor Borough Council Licensing Officer

Ms Bowman read the report to the Sub-Committee. All parties agreed that they had seen the CCTV mentioned in the report and it need not be seen again at the hearing.

PC Phil Dennett – Hampshire Constabulary (review applicant)

PC Dennett gave an overview of the application including bottles of alcohol with security tags probably being stolen goods, but not proved to a criminal standard. Other allegations included paying for stolen goods; assault on a police officer where the store staff failed to seek assistance or assist. Incidents have continued since the suspension of the licence, which is subject to an appeal. Further later incidents include the finding of stolen bottles on the premises after the above incidents.

PC Dennett answered questions from the Sub-Committee regarding the person bringing alleged stolen property onto the licensed premises.

PC Dennett stated he would leave it to the Sub-Committee to determine the origin of the tagged bottles, bearing in mind some were brought in by the street-drinker and that the staff took no action to assist the PC who was being assaulted.

Mr Duncan Craig – Counsel (legal representative for the licence holder) & Jaspal Singh Bajaj (DPS and licence holder)

Mr Craig made representations on behalf of the applicant regarding the expedited review, outlining that the alleged seller of stolen goods is not known to the licence holder and that the licence holder is very sorry to hear about what happened in the incident outlined by PC Dennett. The licence holder was not present at the time of the incident and there are drinking problems within Aldershot. The licence holder was not fully aware of the legal volume for sales of vape.

Mr Craig added that the licence holder bought the shop in 2021 and that the security-protected bottles were already in the stock and bought as part of the stock forming the purchase of the business.

The staff member involved in the incident had been dismissed.

Mr Craig made representations that there are on-going criminal proceedings, but the licence holder was here today to promote the licensing objectives and invited the Sub-Committee to invoke a three-month suspension herewith and remove the DPS Mr Bajaj as DPS licence holder and impose conditions to hours following the interim decisions.

Mr Craig submitted that, as the licence holder was not present at the time of the incidents, so a three-month suspension would not be deviated from or appealed.

PC Dennett queried Mr Craig regarding his proposed Sub-Committee decisions. Mr Craig confirmed a three-month suspension with immediate effect, the change of hours as per decision on 29th September, 2022 and the other conditions imposed on 29th September, 2022, along with the removal of Mr Bajaj as DPS.

PC Dennett queried Mr Bajaj regarding the action taken against the staff member present at the incident. Mr Bajaj confirmed his dismissal.

Mr Bajaj answered questions from the Sub-Committee regarding staff training and how he felt his store was progressing in regards to its management. Mr Bajaj stated he was trying not to give any further problems to the licensing authority. Mr Bajaj stated why his member of staff chose to pay a fine rather than have further training. Mr Bajaj stated that he had received the security-tagged bottles at time of purchase of the business and that they were, therefore, his stock to sell. He does not know and did not purchase tagged bottles from the street-drinker. Mr Bajaj stated he had other business interests where alcohol is sold but he is not the licence holder.

Mr Craig summarised that the licence holder was not aware of the tagged bottles brought in by the street-drinker and, nonetheless, the licence holder accepts there must be some sanctions as per his earlier submissions.

The Sub-Committee received legal advice as follows:

- The options available to the Sub-Committee are laid out in the report and the Sub-Committee must consider which option, in its consideration, is reasonable based upon this hearing.
- The Sub-Committee do not have to accept the submissions as given by the parties.
- The decision must be made solely by the Sub-Committee members and only by those members who have heard the whole application.
- The Sub-Committee must take such steps as it considers

appropriate for the promotion of the licensing objectives;

- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- To ensure natural justice, the Sub-Committee should give reasons for its decision.

The Sub-Committee made the following findings of fact:

Premises holder is responsible for the shop. There have been two incidents of violence. There was a lack of staff training including staff refusing to undertake further training and a failure of supervision by the DPS.

The reasons for the Sub-Committee's decision are as follows:

- Failure of proper premises and staff supervision by the DPS, Mr Bajaj.
- Failure of the licence holder to uphold the licensing objectives and no confidence that the licence holder will promote the licensing objectives in the future.
- Continuing incidents and breaches following previous reviews by the Licensing Sub-Committee.