



LICENSING ACT 2003

Application for the review of a Premises Licence Decision Record

APPLICANT: Hampshire Constabulary

PREMISES: De Lounge, Nos. 111-113 Victoria Road,
Aldershot

DATE OF HEARING: 21st March, 2024

MEMBERS SITTING: Cllrs P.J. Cullum, S. Trussler and
Jacqui Vosper

DECISION

The Sub-Committee decided that it was appropriate to issue an informal warning, coupled with this very firm expression of the Licensing Authority's expectations. Mr Gurung should not underestimate the exceptional course the Sub-Committee has been persuaded to take in this case. Furthermore, he should be in no doubt that in the event of any repetition of the types of problems encountered in this case, there would almost inevitably be a further application for review. He may expect the running of the premises to be subject to very close scrutiny from the Police and the Licensing Authority. Any continuation or repetition of these problems would be viewed extremely seriously.

REASONS

On 21st March, 2024, the Licensing Sub-Committee (Alcohol and Entertainments) heard an application on behalf of the Chief Constable of Hampshire Constabulary for the review of the premises licence for De Lounge, Nos. 111-113, Victoria Road, Aldershot.

At the conclusion of the hearing, the Sub-Committee gave short reasons for its decision pending the writing of full reasons. These are the full reasons.

The application for review is dated 1st February, 2024, and was completed by PC Dennett, who also attended the hearing and addressed the Sub-Committee. The application focuses on a visit to the premises by PC Dennett and the Council's licensing officer, Aimee Vosser on the late evening of 27th January, 2024, into the morning of 28th January, 2024. At the time of that visit, there were evident multiple breaches of the conditions attached to the premises licence. These included (but were not limited to) no SIA-registered supervisors being present and no identification scanning system being in operation. The Sub-Committee was told, and accepts, that there was also a police licensing visit on 31st December, 2023 when again, in breach of condition, no SIA-registered supervisors were present in the premises.

During the January 2024 visit, there was evidence of intoxication and class A drug use in the premises. The Sub-Committee was also told that a designated fire exit had been bolted shut. The Designated Premises Supervisor, Mr Tularam Gurung, told PC Dennett that what was going on was a private party, presumably in the mistaken belief that this relieved him of the need to comply with the premises licence.

PC Dennett told the Sub-Committee that in his view, this was not a safe night-time economy venue. He invited the Sub-Committee to consider removing Mr Gurung as Designated Premises Supervisor (DPS) and cutting back the terminal hour for licensable activities to

10pm.

The Sub-Committee heard from Mr Gurung and his wife, Mrs Manita Gurung. Mr Gurung explained that he had become the owner of the premises and DPS after his business partners left the business in late 2023. He did not dispute what PC Dennett saw during the January 2024 visit and apologised for what had happened, saying he was very new in the business. Mr and Mrs Gurung explained that a number of improvements had been made since the visit but to reduce the hours for licensable activities to 10pm would be fatal to the business.

In making its decision, the Sub-Committee has had regard to the provisions of the Licensing Act 2003, the Secretary of State's guidance on the Act issued under Section 182 and its own statement of licensing policy. It has considered carefully everything submitted to it both in writing and orally at the hearing.

The Sub-Committee viewed this as a worrying case involving multiple breaches of the conditions attaching to the premises licence. Plainly, the licensing objectives have been undermined and the review application was entirely justified.

The Sub-Committee has, however, decided to take an exceptional course. It is prepared to accept that the problems clearly evidenced by the Police and the Council's licensing department are as a result of inexperience and naivety on the part of Mr Gurung, who, it is accepted, had not been running the premises for very long before the problems arising on 31st December, 2023 and 27th January, 2024.

Both Mr and Mrs Gurung said that they needed help and guidance and asked for another chance. Mr Gurung must understand that it is not for the licensing authority or any responsible authority such as the Police to tell him how to run the premises. That is his responsibility, as is ensuring that the licensing objectives are promoted and not undermined. Inexperience is highly unlikely to be accepted as an answer to any further problems coming from the premises. He is strongly advised to take the advice of an external licensing consultant or consultants as a matter of urgency to ensure that, in the future operation of the premises, the premises licence is complied with fully at all times. He is asked to consider whether he really has the expertise required to be the Designated Premises Supervisor or whether an alternative should be identified. The management of the premises must improve both dramatically and quickly.