



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT: Mr Pal Singh

PREMISES: The Station Corner Shop, No. 11 Station Road,
Aldershot

DATE OF HEARING: 18th January, 2017

MEMBERS SITTING: Cllrs B. Jones, Jacqui Vosper (Chairman) and
J.E. Woolley

DECISION

To reject the application.

REASONS

The Sub-Committee is satisfied, on the balance of probabilities, that this step is appropriate for the promotion of the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act Section 18, which states that, having regard to relevant representations that are made, the Sub-Committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 9.41 and 9.42;
- The Council's Statement of Licensing Policy 2010–11, particularly paragraphs 18.51 - 18.54. The Sub-Committee has taken into account the fact that the Council's Licensing Policy has yet to be revised following changes in the legislation and has disregarded any parts that are now out of date; and
- Written and oral evidence presented at the hearing.

The applicant did not appear at the hearing but confirmed to the Licensing Authority, by phone, that he was content for the hearing to continue in his absence.

The Sub-Committee heard that a premises licence in respect of No. 11 Station Road had been held by the applicant's brother, Mr Charanjit Singh Arora, but that it had been revoked following a hearing held on 10th October, 2016. The evidence presented by Trading Standards at the 10th October hearing concerned two failed test purchases during 2016, at which alcohol had been sold to a 16 year old and 15 year old respectively.

In addition, smuggled non UK duty paid tobacco and cigarettes had been found on the premises, along with chewing tobacco that did not contain the required health warnings. Also, wine and spirits had been found with no, or false, duty paid stamps.

Mr Arora had stated his intention to bring in another family member to take over the running of the business if the premises licence were to

be revoked. The Sub-Committee had concluded on 10th October that it had no confidence in the way the business was being run and was concerned that Mr Arora would continue to have a strong influence in its management if another family member were to take over.

The Sub-Committee heard that the Trading Standards Officer had encountered the applicant, Mr Singh, at the premises during the time the premises licence had been held by his brother, Mr Arora. There was evidence to suggest that Mr Singh and his brother had been partners both in the business at No. 11 Station Road and another business at the time the offences were committed.

The Officer was of the opinion that Mr Singh had not been proactive in trying to prevent the sale of alcohol to children and that sales of illicit alcohol and tobacco would continue if the application were to be granted.

On behalf of the Licensing Authority as Responsible Authority, the Licensing Officer gave evidence that Mr Arora had been present at meetings concerning the application under consideration and that, when contact had been made with the applicant, Mr Arora had replied. Visits to the premises showed that Mr Arora had continued to be present and, apparently, in charge.

The Police representation also expressed concern that Mr Arora would continue to be heavily involved in the business.

None of the Responsible Authorities believed that the imposition of conditions would address the issues raised as all doubted that conditions would be observed. Since the revocation hearing, the Licensing Authority had visited the premises five times and, on each occasion, had found people 'helping out' who claimed not to be employed there. Mr. Arora had been present on three occasions.

The Sub-Committee noted that Mr Arora was still registered as the responsible person at the premises for business rates and food safety.

Furthermore, even if Mr Arora were to play no part in running the business, the Licensing Authority as Responsible Authority did not have any confidence that Mr Singh would run the premises in a competent, compliant manner.

The Sub-Committee accepted the evidence provided and continued to lack confidence that the business would be properly managed in future.

The Sub-Committee has not taken into account the proximity of the premises to the Vine Centre.