



LICENSING ACT 2003

Application for the review of a Premises Licence Decision Record

- APPLICANT:** Hampshire County Council Trading Standards
- PREMISES:** Everest Cash And Carry, Nos. 82 - 84 Cove
Road, Farnborough
- DATE OF HEARING:** Thursday, 23th November 2017
- MEMBERS SITTING:** Cllrs A. Jackman, L.A. Taylor and
Jacqui Vosper (Chairman)

DECISION

To revoke premises licence no 17/00497/LAPREM held in respect of Everest Cash and Carry, Nos. 82 – 84 Cove Road, Farnborough, Hampshire, GU14 0EU.

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 52, which states that, having regard to the application and any relevant representations, 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:
 - paragraph 11.18 which advises licensing authorities not to repeat warning actions taken by responsible authorities in requiring improvement;
 - paragraph 11.22 which refers to cases where poor management is a reflection of poor company practice;
 - paragraph 11.23 which advises authorities to be prepared to take tough action to tackle problems;
 - paragraph 11.30 which deals with actions that should be considered in the case of persistent sales of alcohol to children;
 - paragraphs 11.27 – 11.28;
- The Council's Statement of Licensing Policy 2010–11 (the Sub-Committee recognised 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Licensing Policy has yet to be revised following changes in the legislation and has disregarded any parts that are now out of date); and
- It also took into account all the written and oral evidence presented at the hearing.

Hampshire Trading Standards gave evidence of a failed test purchase when an underage volunteer was sold alcohol. The sale was made by someone who did not work there.

The Police also gave evidence of another two occasions when alcohol was sold to underage volunteers.

The licence holder accepted that these sales had been made. After the first failure, the employee who made the sale took advantage of training offered by the Council as an alternative to a fixed penalty. Other members of staff did not undergo this training.

Evidence of entries made in the refusals book appeared to suggest that the entries had not been made at the time but had been entered later on. The Sub-Committee did not accept that this was an accurate record.

There had been a lack of cooperation with the responsible authorities who have offered guidance. The licence was varied previously to deal with some concerns but the conditions had not been complied with.

Simple requests, such as the request to move the alcohol to a more visible place in the shop, had not been complied with either.

The Sub-Committee took into account the effect that losing a licence would have on the running of the business but believed it could continue trading in other goods.

It appeared to the Sub-Committee that there was a lack of commitment in complying with the terms of the premises licence.