

Minutes of the Meeting of the Licensing Sub-Committee held on 9 January 2018 at 7.00 pm

- Present:** Councillors Ben Maney (Chair), Joycelyn Redsell and Graham Snell
- In attendance:** Paul Adams, Principal Licensing Officer
Paula Parrot, Licensing Officer
Simon Scrowther, Thurrock Legal Representative
Lois Bland, Thurrock Legal Representative (Observer)
Jackie Cooper, Licensing Officer Essex Police (Public Gallery)
Charlotte Edwards, Principal Trading Standards Officer
Clare Cunningham, Senior Trading Standards Officer
Tajinder Singh Khurana, Applicant, Costcutter Store Owner
Tajinder Gruvar, Applicant, Costcutter Store Owner
Mrs Khurana
Wendy Le, Democratic Services Officer
Kenna-Victoria Martin, Senior Democratic Services Officer
-

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

14. Items of Urgent Business

There were no items of urgent business.

15. Declarations of Interests

There were no declarations of interest.

16. Determination Of An Application For A Review Of A Premises Licence

The Chair asked all parties if they had any requests, and it was noted that there were no requests.

The Licensing Officer introduced the report to Members of the Sub-Committee informing them of a review application that had been received for the premises licence at Costcutter, East Tilbury. The review related to the Licensing Objective 'Protection of Children from Harm', following an application received from Trading Standards Officers at Thurrock Council regarding underage sales.

Members were provided with a summary of the application:

- On 14 August 2017, officers from Thurrock Council's Trading Standards department carried out an underage test purchasing

operation in Thurrock. They were accompanied by two female volunteers aged 15 and 16.

- The 16 year old volunteer, accompanied by the 15 year old, purchased a bottle of wine (11%ABV) from the assistant on duty, Mr Khurana who did not ask for ID or confirm her age.
- Mr Khurana was subsequently interviewed on the 14th September 2017 to discuss the procedures he had in place to prevent underage sales from occurring. Mr Khurana claimed that he had been very tired and had been working extra-long shifts to cover absences. He had thought the 16 year old female was 27 or 28 years of age.

The Licensing Officer also highlighted that:

- The premises licence was currently held by Mr Khurana and Mr Gurver with the designated premises supervisor (DPS) named as Mr Er who did not have an interest in the business.
- Mr Khurana had applied to become the DPS for the premises.

The Licensing Officer provided the Licensing Sub-Committee with the following options in regards to the licence:

- Do nothing with the licence;
- To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;
- To suspend the licence for a period not exceeding three months; or
- To revoke the licence.

The chosen option would not take effect until the end of the appeal decision period given to the applicant.

Members, Trading Standards Officers and the Applicant were provided the opportunity to ask questions of the Licensing Officer. The Chair queried why it had taken so long for the application to come to the Sub-Committee for hearing given the date of the test purchase operation. The Licensing Officer explained that this was due to paperwork and reviews which Trading Standards would be able to expand on. There were no questions from Trading Standards or from the Applicant.

Trading Standards Officers were given the opportunity to address the Sub-Committee, during which Members heard the facts of their case from the Principal Trading Standards Officer. In addition to the facts already given in regards to the test purchase operation on 14 August 2017, the Officer also stated:

- That Mr Khurana had been unable to produce his refusals book at the time of the test purchase but had shown this at the interview on 14 September 2017 which had only two entries on 19 May and 1 June 2017.

- Costcutter had been included in a test operation of five premises on 14 August 2017 following a complaint made by a member of the public in regards to underage sales of alcohol and other items to children.
- The complaint had been followed up by the Senior Trading Standards Officer who had spoken with an employee about the Challenge 25 policy as the owners were absent at the time. The Officer had also spoken with Mr Gruvar over the phone.
- No Challenge 25 procedures had been put in place by the time the test operation took place.

The Trading Standards Officer highlighted other points in addition to the test purchase operation for the Sub-Committee to consider:

- July 2016 – a sale of illicit tobacco had been made to an adult test purchaser.
- September 2016 – illicit tobacco and non-duty paid alcohol had been seized following a multi-agency visit.

Therefore, the Trading Standards Officer suggested 9 conditions to be attached to the licence as well as a 14 day suspension of the licence. This was to ensure future underage sales were prevented.

Members, Licensing Officers and the Applicant were provided with the opportunity to ask questions. The Chair sought clarification on his earlier question in regards to the application's late coming to the Sub-Committee. The Trading Standards Officer explained that there was no reason for the lateness, only that there needed to be enough time to allow for an interview to take place and for a file to be organised. The application had been submitted in November 2017.

The Chair queried if there had been further incidents since the test purchase operation to which the Trading Standards Officer replied that no other investigations had been carried out since. The Chair went on to ask if both owners had been present at the time of the previous misdemeanours. It was confirmed that both had been present.

Mr Khurana was then provided with the opportunity to present his case as the owner of the premise, during which he stated to the Sub-Committee that he had worked at the store for 3 years and this was the first mistake he had made. He explained he had been very tired and working long shifts on the day of the test purchase. He had judged the 16 year old female volunteer to be around 28 years of age.

All parties were given an opportunity to ask questions to the Applicant.

During questions from Members it was clarified that:

- The Applicant had displayed one Challenge 25 poster after printing it off the internet but had not used the pack left by the Trading Standards Officer as this could not be found.

- The licence holders had put together a sales training manual for staff to prevent further underage sales and would be operating a 'No ID, No Sale' policy.
- Mr Khurana had undergone training to prevent underage sales offered by Thurrock Council and learnt that IDs should always be checked. He was also able to distinguish between different ages.
- The licence holders had no interest in other stores nor did they run any other stores and both regularly attended the premises.

The Chair of the Sub-Committee sought if Members and Officers had any further questions. There were none. He then moved on to closing summaries.

The Licensing Officer provided a short summary to the Sub-Committee during which she advised of the options presented to the Sub-Committee again.

The Principal Trading Standards Officer gave a summary in which she advised the suggested suspension of 14 days was to allow enough time for changes to take place. The 9 attached conditions were not hard to understand or follow and the options given were to fulfil the objective of protecting children from harm.

The applicant was asked to present their summary of their case to Members, during which it was commented that most of the store's sales were alcohol related and stopping these sales would cause a decline in the business' sales. The stock had come from the previous owner so the current owners were unsure where the stock had come from.

The Chair asked if there were any further questions which Members had. These gave further clarification:

- The current owners had taken the business over from March 2015 and included the entire store's stock.
- The sale of the illegal tobacco in July 2016 had been intended for personal use.
- Some of the alcohol displayed on the top shelves had no interest from customers so had been used as display only.

The Sub-Committee adjourned at 7.35pm for deliberation and were accompanied by the Legal Advisors and the Democratic Services Officers.

The meeting reconvened at 8.08pm.

RESOLVED that the Sub-Committee:

- 1. Considered this report and appendices together with any oral submissions at the hearing and determined the application for the review of the premises licence in line with the options open to the committee under the Licensing Act 2003:**

- **That conditions 1 – 9 suggested by the Trading Standards Officer would be added to the licensing conditions.**
- **That Tajinder Singh Khurana be removed as the DPS.**
- **That CCTV be installed and pointed at sales points and be made available to the Authority upon request.**
- **That the suspension sentence be extended to 28 days to enable compliance of points 1 and 3 above.**

The meeting finished at 8.10 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**