

# LICENSING SUB-COMMITTEE

## MINUTES OF THE MEETING HELD ON WEDNESDAY, 11 MARCH 2015

**Councillors Present:** Peter Argyle, Tony Linden and Mollie Lock

**Substitute:** Andrew Rowles

**Also Present:** Elizabeth Varcoe (Solicitor) and Amanda Ward (Licensing Officer), Jo Reeves (Policy Officer) and Jude Thomas (Member Services Officer)

### PART I

#### 3 **Declarations of Interest**

Councillor Linden declared an interest in Agenda Item 2(1), but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### 4 **Application No. 15/00157/LQN - Crown Mead Stores, 12 Crownmead, Bath Road, Thatcham RG18 3JW**

*(Councillor Linden declared a personal interest in Agenda item 2(1) by virtue of the fact that he had visited the store, on behalf of REL Field Marketing and Vodafone, to deliver promotional material and carry out audit checks on the material. As his interest was personal and not a disclosable pecuniary interest, he was permitted to take part in the debate and vote on the matter).*

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Review Application No. 15/00157/LQN in respect of Crown Mead Stores, 12 Crownmead, Bath Rd, Thatcham RG18 3JW.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council) and Mr Steve Deane and Inspector Warren McKeown of Thames Valley Police (Applicant), and Mr Harjit Sandhu (Licence Holder) and Mrs Navdeep Sandhu addressed the Sub-Committee on this application.

Ms Ward, in addressing the Sub-Committee, raised the following points:

- On 26<sup>th</sup> January 2015, West Berkshire Council received an application from Thames Valley Police Licensing Officer, Mr Steve Dean, for a review of the Premise Licence for Crown Mead Stores, under Section 51 of the Licensing Act 2003.
- The application to review the licence related to the Prevention of Crime and Disorder licensing objective and stated that Mr Harjit Singh Sandhu, the Premises Licence holder, was not fit and proper to hold a position of such responsibility and details of the grounds for the review would be explained in full by the applicant, Mr Steve Deane.
- The consultation period had started on 27<sup>th</sup> January 2015 and concluded on 23<sup>rd</sup> February 2015.
- Blue notices had been displayed, during the prescribed consultation period, and witnessed by an officer from the Licensing team.

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

- During this prescribed 28 day consultation period, the Licensing team had received two further representations, in support of the application to review the Premises Licence, from:
  - Ian Wootton, Responsible Authority for Public Health and Wellbeing and the Local Safeguarding Children's Board
  - Elaine Hare, on behalf of Thatcham Town Council
- Neither Ian Wootton, nor a representative from Thatcham Town Council, had wished to make any further comments to the application, other than to register that they supported Thames Valley Police's application to review this licence.
- Further to the receipt of this Review application, Mrs Sandhu had contacted the Licensing team and spoken with Emilia Matheou, Licensing Officer, to seek advice on how to transfer the licence.
- On 9<sup>th</sup> March 2015, the Licensing team had received an Application to Vary the Designated Premises Supervisor from Mr Harjit Sandhu to Mr George Kristiaan, with immediate effect. The Licensing team had not, at that point, received any objection to that application from Thames Valley Police.
- The Licensing Team had not received any application to transfer the Premises Licence.

Mr Steve Deane, in addressing the Sub-Committee, read the report in the application and raised the following points:

- It was the view of Thames Valley Police that the Premises Licence Holder and Designated Premises Supervisor (DPS), Mr Harjit Singh Sandhu was not fit and proper to hold a position of such responsibility; a view which was based on his flagrant and persistent disregard for the Prevention of Crime and Disorder licensing objective.
- Mr Sandhu had recently been convicted of Perverting the Course of Justice and Handling Stolen Goods. This had been further exacerbated by his apparent refusal to engage with the police to address the impact of his offending on the licensing objectives.
- Thames Valley Police believed that they had no option but to apply for a review of the licence.

Inspector Warren McKeown, attending the Sub-Committee in place of Sgt Harrison who was unable to attend, read Sgt Harrison's report (Appendix B of the Application) detailing the following:

- On 4<sup>th</sup> July 2013, PCs Eaton and Pringle visited the premises in order to view CCTV data that might have recorded the identity of a known offender who had stolen alcohol from local shops.
- Mr Sandhu had told officers that he was too busy to assist and called his wife who had advised that they would have to wait 24 hours for the data to be obtained from the system. She had asked officers to return the following day and they had agreed.
- Officers had observed Mr Sandhu texting and believed that delaying tactics were being used. Officers had informed Mr Sandhu accordingly.

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

- Officers had returned the following day and Mrs Sandhu had informed them that she had not been able to access the relevant data and that an engineer had been called so they should return the next day.
- On 5<sup>th</sup> July 2013, officers had attended Crown Mead Stores and been taken to Mr Sandhu's home address where they had arrested Mr Sandhu on suspicion of handling stolen goods. The CCTV system and mobile phones belonging to the Sandhu's had been seized.
- The examination of the phones had shown text messages between Mr and Mrs Sandhu discussing withholding CCTV evidence from the police.
- Photographs of stolen goods (meat and alcohol) had also been found on Mr Sandhu's phone.
- When interviewed, Mr Sandhu had initially blamed his wife for any wrongdoing. This had been retracted shortly after legal consultation.
- Mr Sandhu had subsequently claimed full responsibility for having bought the stolen meat and alcohol.
- On 16<sup>th</sup> July 2013, Mr Sandhu had been charged with Perverting the Course of Justice in relation to the obstruction of the police in obtaining the CCTV footage. Mr Sandhu had also been charged with a further offence.
- There had been concerns about the lack of responsible retailing from this premise for some time with reports of selling to underage persons being prevalent over time.
- Given that it had been confirmed that the DPS, Mr Sandhu, had been actively involved in criminal activity, it was felt that a full review of the licence was necessary. As Mr Sandhu was the Licence Holder as well as the DPS, it was felt that requesting the removal of the DPS alone, was unlikely to provide a satisfactory benefit.

Mr Steve Deane referred to the Application for the Review of the Premises Licence, confirming many of the details above.

- Mindful that he was nearing the end of his allowed time for speaking, Mr Deane confirmed that, following Mr Sandhu's Crown Court appearance and subsequent sentencing, Mr Deane had attempted to liaise with Mr Sandhu, hand delivering a letter (Appendix C of the Application) to the premises. Mrs Sandhu had opened the letter which had been addressed to her husband.
- Mr Sandhu was the Designated Premises Supervisor and despite attempts by Mr Deane to liaise with Mr Sandhu, this was the first time he had met Mr Sandhu.
- Mr Deane had felt that he had no reason to liaise with Mrs Sandhu as Mr Sandhu was the Licence Holder. Mr Deane felt this showed Mr Sandhu's blatant disregard for the prevention of crime and disorder objective.
- Mr Deane confirmed that Thames Valley Police had considered all options but considered revocation of the licence appropriate and other steps were precluded from their recommendations for the following reasons:
  - Removal of DPS – the premises was family run, so removing Mr Sandhu as DPS would not have removed his overall control of the business and would, therefore, have been unlikely to address the concerns.
  - Removal of Licensable Activity from the scope of the licence – as the premises was licensed only for the sale of alcohol, this would have been tantamount to revocation.

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

- Modification of Conditions – no conditions would have addressed the concerns of Thames Valley Police and given Mr Sandhu's behaviour, they were not satisfied that he would comply with such conditions, were they modified.
- Suspension of the Licence for up to three months – the police felt that, unless it were to facilitate the transferring of the Licence and DPS to someone more responsible, with the demonstrable assurance that Mr Sandhu would no longer have any control of the business, it would have been unlikely to have achieved any significant benefit.

Councillor Argyle reiterated that written support for the Application had been received from Ian Wootton, on behalf of Public Health and Wellbeing and the Local Safeguarding Children's Board, and Thatcham Town Council.

Councillor Linden asked for confirmation that Mr Sandhu had received a suspended sentence and Mr Deane confirmed that that had been the case.

Councillor Linden also asked Mr Deane whether his suggestion was that both Mr and Mrs Sandhu would need to dispose of the business in order for the applicant to recommend the licence continues one way or another. Mr Deane confirmed this to be correct.

Councillor Argyle clarified that both Mr and Mrs Sandhu would be speaking after no objection was raised by the other parties to the meeting.

Mr Harjit Sandhu, in addressing the Sub-Committee, apologised for his shameful activity. He advised that it had been his first offence and, as an educated individual, he would regret it for the rest of his life.

He informed Members that, in addition to the suspended custodial sentence, he had received a term of community service which he had completed as quickly as he could. He further advised that he pleaded guilty immediately when the charges had been brought against him and that the arrest had shaken both himself and his family.

He apologised that he had wasted valuable public time of both West Berkshire Council and Thames Valley Police and praised both organisations for their work.

Mr Sandhu disputed the claim that he had shown disregard to the Police in his dealings with them. He reported that the first voicemail from Mr Deane had been received whilst he was attending his community service and he had been unable to answer his phone. He had returned the call as soon as he had been able to and his wife had requested that she take over communication with the police, on his behalf. He had understood that his wife had been communicating well with Mr Deane.

Mrs Navdeep Sandhu stated that she should not be punished for her husband's wrongdoing. She believed that Mr Deane was upset that her husband had not liaised with him directly. She was trying to protect the reputation of the business.

She informed Members that she had built the business up and that her husband had had limited involvement with Crownmead Stores, as he had another business nearby.

Mrs Sandhu made reference to documentation which she had brought with her demonstrating that she had been responsible for the day-to-day business activities dating back to 2007.

Mrs Sandhu acknowledged that her husband had committed a bad deed in her shop and that it had affected their parents, their children and the community.

The Sub-Committee was advised that the shop manager, George Kristiaan, was now the DPS.

Mrs Sandhu explained that, in the past, she had always kept Licensing officers informed of any relevant information and had co-operated with the police in any and all incidents.

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

She has provided statements and CCTV to assist. She advised that the shop was part of the community with 700 customers per day and was concerned that the action proposed by the police was unfair as it would affect many of those customers, including 200 older people, who would be unable to access other amenities.

She advised that she conducted her business legitimately and repeated that her husband had nothing to do with the shop, other than on the paperwork, and he was no longer the DPS.

Mrs Sandhu informed the Sub-Committee that she had hired a third-party agency to provide training to her staff and had received a qualification herself. She had also applied to transfer the Premises Licence to her name, from her husband's. She explained that this should have been done a long time ago due to Mr Sandhu not being involved in the running of the shop.

Mrs Sandhu advised that the statement that had been provided as Appendix B was the initial statement taken by the police officer and that none of the information from the court case had been submitted. She advised that she had not been charged with any offences and felt that a wife should not be punished for the actions of her husband and the Court had acknowledged she had nothing to do with it.

Mrs Sandhu reported that she operated a strict Think 25 policy and had provided training to her staff on proxy sales to avoid the sale of alcohol and tobacco to underage people. She also advised that her staff knew their customer base and were able to identify when illicit sales were attempted.

Mrs Sandhu stated that she had always reported suspicious activity to the police and had confiscated tobacco very recently, following a proxy sale. She had also passed all test purchases. She has refusal logs and CCTV demonstrating this further.

Mrs Sandhu concluded by reiterating that she did not want her husband's actions to impact on her business of six years.

Councillor Argyle sought to confirm the identity of the new DPS. Mrs Sandhu confirmed that it was George Kristiaan, the manager of the shop, and claimed that he has his own licence too and that his father was a police officer so she deemed him a fit and proper person. She stated that her husband had nothing to do with the business and that he ran his own fast food restaurant. She confirmed that the owner of the business was her father.

Councillor Linden sought to clarify Mrs Sandhu's role in the delay of the provision of CCTV footage, as described in Appendix B. Mrs Sandhu confirmed she had not been charged at court with any offences relating to that incident.

Councillor Linden asked whether Mrs Sandhu buys the stock. Mrs Sandhu confirmed she bought from a cash and carry and had receipts. She had no knowledge of the meat and alcohol.

Councillor Mollie Lock enquired when the Premises Licence had been transferred. Mrs Sandhu confirmed that she had instructed a third-party to make the application, on her behalf, the previous week.

Councillor Lock also asked whether Mrs Sandhu had a reference number for the incident when she had confiscated tobacco from an underage person. Mrs Sandhu advised that she was always reporting incidents and that the Local Community Support Officers would confirm that.

Amanda Ward confirmed, in response to a question from Councillor Argyle, that West Berkshire Council had not, as yet, received an application to change the Premises Licence holder, and that it was still in the name of Mr Harjit Sandhu.

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

Mr Deane was asked whether he had any questions of the Licence Holder and he sought to confirm whether Mr Sandhu has absolved himself of all responsibilities with regard to the business. Mrs Sandhu advised that she had a copy of the application with her today and the Company she did it through had advised her that it had been sent and would be served on the Police. The Company had sent her a receipt.

Mr Sandhu explained that he ran a fast food shop nearby and was too busy to attend the premises of Crown Mead Stores. He accepted that he had let things go and it should have been changed before. He advised that he had never held a managerial role at the premises and again stated he had made a mistake and that that would not happen again.

Councillor Argyle thanked all attendees and explained that they would be informed of the decision within five working days.

*The Chairman closed the meeting at 2.37pm.*

*The meeting was reconvened at 2.43pm.*

The Chairman thanked all attendees for reconvening the meeting and stated that he felt it was necessary, in the interests of fairness, to seek confirmation as to whether any attendees objected to the Sub-Committee accepting the documentation that Mrs Sandhu had referred to during the meeting.

Mr Deane advised that Thames Valley Police could have submitted further documentation and had chosen not to, but reported that he was content that the documentation was considered.

Amanda Ward confirmed, in response to a question from Councillor Lock that West Berkshire Council had not, received an application to transfer the Premises Licence but they had received an application to change the Premises Licence Holder to take immediate effect so Licensing have to accept that application

The Sub-Committee retired at 2.47pm to make its decision.

Having taken the representations into account, including the written representations made by Thatcham Town Council Responsible Authority Public Health and Wellbeing and the Local Safeguarding Children Board and the documentation provided by Mrs Sandhu, the Licensing Sub-Committee **RESOLVED** that Premises Licence 01773 be revoked.

### Reasons:

The Sub-Committee had regard to the representations received in reaching its decision and noted that the Application made by Thames Valley Police for the review of the Premises Licence was supported by Thatcham Town Council and Responsible Authority Public Health and Wellbeing and the Local Safeguarding Children Board.

The Sub-Committee heard evidence from Thames Valley Police that the Licence Holder Mr Harjit Singh Sandhu had recently been convicted by Reading Crown Court for the offences of perverting the course of justice and handling stolen goods. These offences occurred at the licensed premises. The Sub-Committee also heard evidence from Thames Valley Police as to Mr Harjit Singh Sandhu's lack of engagement following his conviction and his flagrant and persistent disregard for the licensing objective, namely the prevention of crime and disorder. The Sub-Committee heard that Mr Deane had hand delivered a letter to Mr Sandhu dated 27<sup>th</sup> November 2014 which Mrs Sandhu opened. The letter warned that Thames Valley Police would apply for a review of the Premises Licence if they did not hear from him within two weeks from the date of the letter. Despite

## LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES

the efforts made by Thames Valley Police they failed to resolve the situation which led to their review application dated 26<sup>th</sup> January 2015.

Mr Harjit Singh Sandhu had been the Designated Premises Supervisor until 9<sup>th</sup> March 2015 when the Licensing Department received an application for the Premises Licence to be varied and George Kristiaan to be named as the Designated Premises Supervisor with immediate effect. Mrs Navdeep Kaur Sandhu explained that she had recently instructed a third party to apply for the Premises Licence to be transferred to her and provided a signed Consent for the Transfer of the Premises Licence dated 6<sup>th</sup> March 2015. Amanda Ward of the Licensing Department confirmed that the Council had received no such application. The Sub-Committee therefore noted that Mr Harjit Singh Sandhu remained the Licence Holder of the Premises.

The Sub-Committee heard from the Licence Holder Mr Harjit Singh Sandhu who apologised for his actions explaining that it had been a mistake and disputed that he had shown any disregard towards the Police. He explained that they had phoned whilst he was completing his community service and he had returned the call as soon as he had been able to and had understood that his wife had been communicating well with Mr Deane. Mrs Navdeep Kaur Sandhu had always been the manager of the business and he had limited involvement as he ran another business. It was acknowledged that the Designated Premises Supervisor should have been changed a long time ago. The business was a family business as the store was owned by a family relative but Mr and Mrs Sandhu were not the owners.

The Sub-Committee considered that Mr Sandhu had been convicted of serious criminal offences which had occurred at the premises and the facts related to the only licensable activity attached to the licence, namely the sale and supply of alcohol. He had maintained a position of responsibility as Licence Holder and Designated Premises Supervisor but by his own evidence had never held a managerial role and had limited involvement with the business. Whilst the Sub-Committee acknowledge that it is not a statutory requirement for the Designated Premises Supervisor to be responsible for the day to day management of the premises it is expected, considering the Department of Culture, Media and Sport Guidance on the Licensing Act 2003 (issued June 2014) that he will have at least some control of the business in order to promote the licensing objective and the prevention of crime and disorder. Thames Valley Police explained of their struggle to engage with Mr Sandhu. Mrs Sandhu had remained the manager of the premises during this time and even after Mr Sandhu had been convicted had not ensured that the necessary action had been taken and Mr Sandhu remains the Licence Holder. The Sub-Committee did not consider that Mr and Mrs Sandhu had taken their responsibilities seriously in terms of promoting the licensing objectives namely the prevention of crime and disorder and ensuring they were the point of contact for Thames Valley Police.

The Sub-Committee in considering whether any steps were appropriate for the promotion of the licensing objectives, in particular, the prevention of crime and disorder, concluded that the only step which was necessary and appropriate was to revoke the Premises Licence.

*(The meeting commenced at 2.00 pm and closed at 2.47 pm)*

**LICENSING SUB-COMMITTEE - 11 MARCH 2015 - MINUTES**

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