

## **Licensing Sub-Committee**

**12 June 2019**

Present: Councillors T Mulvenna, J O'Shea and W Samuel.

### **LSQ04/06/19 Appointment of Chair**

**Resolved** that Councillor T Mulvenna be appointed Chair for this meeting.

### **LSQ05/06/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ06/06/19 Application for a Variation to the Premises Licence in respect of Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL (Benton Ward)**

The Sub-committee met to consider an application for a variation of the Premises Licence in respect of Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL.

The Applicant, Mr Gurdeep Singh Rai, sought to vary the Premises Licence by the removal of Condition 7 from the Licence which stated that Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time that the Premises are open to the public.

Mrs K Kaur, the designated premises supervisor, was present and representing the applicant and she was accompanied by Mr H S Rai.

The Chief Officer of Police was represented by Mr N Kirkpatrick and Sergeant J Brady.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee

Sergeant Brady addressed the Sub-committee in relation to his concerns about the removal of the condition from the Premises Licence

Members of the Sub-committee and Mrs Kaur asked several questions which were responded to by Sergeant Brady.

Mrs Kaur and Mr Rai addressed the Sub-committee in support of the application.

Members of the Sub-committee and the representatives of the Police asked several questions which were responded to by Mrs Kaur and Mr Rai.

All parties were given the opportunity of summing up their submission.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that (1) the existing conditions, numbers 7 and 8 be removed from Annex 3 of the Premises Licence in respect of Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne;

(2) the following conditions be added to Annex 3 of the Premises Licence:

7. The Premises Licence Holder or the Designated Premises Supervisor must make arrangements with an external test purchase provider so that the provider undertakes at least 3 test purchases per calendar year at the Premises in relation to the sale of alcohol including the implementation of the "Challenge 25" Policy. The external test purchase provider must be to the satisfaction of the Licensing Authority.
8. The outcome of each test purchase exercise undertaken by the external test purchase provider will be made known to the Licensing Authority in writing within 24 hours of the Premises Licence Holder or Designated Premises Supervisor being made aware of the outcome of the test purchase exercise. The written notification of the outcome of each test purchase exercise will be given to the Licensing Authority by the Premises Licence Holder or Designated Premises Supervisor.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. Since the review of the Premises Licence in April 2018 there has been an improvement in the way that the Premises is run under the control of the new Designated Premises Supervisor, Mrs Kaur. In that time there has been no evidence provided by the Police or Trading Standards which indicates that the Premises has been involved in the sale of alcohol to minors;
2. There comes a time when Mr Rai should be given the opportunity to prove that he can operate the Premises responsibly and within the law;

3. If there are any further underage sales to minors the likely outcome of a review of the Premises Licence would be for the Premises Licence to be revoked which will have severe consequences for the business;
4. The additional conditions attached to the Licence regarding the requirement for external test purchases to be carried out and the outcome notified to the Licensing Authority will provide reassurance that those in the Premises are operating responsibly.