

LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

**RE: Mr. Avtar Singh**

**Yellow Parrott, 25 Kingsbury Square, Aylesbury, Buckinghamshire HP20 2JA**

**Application for Premises Licence review under s.51 of the Licensing Act 2003**

Date: 17th December 2019 at 10.00 am in The Paralympic Room at the Gateway  
Aylesbury Vale District Council

Constitution of the Sub-Committee:	Cllrs S Lambert and S Morgan
Chair:	Cllr S Renshell
Others present:	-

Legal Advisor:	Ifty Ali
Licensing Officer:	Kerryann Ashton - Licensing Officer
Applicant:	Mr Avtar Singh and Mr Panchal (Legal Representative)
Responsible Authority:	Licensing Authority / Environmental Health / Thames Valley Police (See Attendance List)
Interested Parties:	See Attendance list .
Members of the Public:	See Attendance list
Documentation:	Report and Appendices
Apologies:	None
Disclosures of Interest:	None

## **FINDINGS OF FACT**

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to a Review of the Premises Licence in respect of the Yellow Parrott, 25 Kingsbury Square, Aylesbury HP20 2JA.
2. The Review was requested by Thames Valley Police in relation to the prevention of crime and disorder and public safety.
3. The premises are situated in Kingsbury Square in the Town Centre and is a ground floor premise facing onto Kingsbury Square selling alcohol, cigarettes and food items. Kingsbury Square is subject of both a Special Saturation Policy and a Public Space Protection Order (PSPO).
4. There were representations made by two Responsible Authorities: (Namely : The Licensing Authority and Environmental Health). There are no other representations other than 38 letters in support of the premises provided by Mr Singh. In respect of those representations three witnesses gave evidence as to the good character of Mr. Singh and that they had never witnessed sales to those intoxicated.

5. Historically:

Mr Singh has received two previous warnings from the licensing service: On 29th October 2015 regarding sale of alcohol to those who are drunk. On 14th December 2015 of continued sale of alcohol to town centre drunks.

On 6th October 2018 during a licensing officer inspection Mr Singh was warned about ongoing complaints relating to street drinking.

During the summer of 2019 TVP visited the premise on numerous occasions to advise the owner regarding alleged sales of alcohol to drunk persons.

6. Mr. Singh has offered eight conditions to be added to his licence and agreed that they could be amended to take into account the representation made by the Licensing Service in regard to conditions 6 ,7 & 8.on page 27 of the report.
7. There has been very little evidence shown of adequate training for staff. A Staff Training Manual (copy provided to the Sub-Committee) has been prepared but as yet, not implemented.
8. On Friday 1<sup>st</sup> November 2019 a serious assault by way of a stabbing to the back of the head and laceration behind the ear of a male in the premise. The police were informed by the control room of the South Central Ambulance Service but not from the premise itself where the incident occurred. When TVP officers attended the victim was in the Square outside the premise.

Within the premise staff questioned denied that an incident took place. Upon review of the internal CCTV footage it was clear that the offence had taken place within the premise and clearly showed a member of staff coming from behind the counter to clear a significant amount of blood from the floor.

9. The request by TVP is that the premise licence is suspended for 21 days to allow for staff to be trained in CCTV operation and crime scene preservation and for that training to be recorded for inspection.

10. The Sub-committee can when determining the review :

- (1) Modify the conditions of licence
- (2) Exclude a licensable activity from the scope of the licence
- (3) Remove the DPS
- (4) Suspend the licence for a period not exceeding three months
- (5) Revoke the licence

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee **RESOLVED**:

#### **Upon review**

Suspension for 21 days subject to the carrying out of training for all staff on CCTV operation/download etc and training on crime scene preservation together with training as per the Staff Training Manual. Such training to be recorded and provided to TVP and the Licensing Authority by the end of the 21 days. For the avoidance of any doubt if the training is not provided within 21 days the premises will remain suspended for up to a total period of three months or until such time that within that period the training is provided.

AND

Subject to the following conditions:

The 8 conditions as offered by Mr. Singh subject to amendment as per the Licensing Service amendments to conditions 6,7 & 8 (page 27 of the report).

And condition 1 is amended to read "1. No single cans or bottles of beer or cider will be sold".

#### Conditions

1. No single cans or bottles of beer or cider will be sold.

2. Alcohol shall not be sold to any person who is reasonably expected to consume it on the street in the vicinity of the premises.
3. Alcohol Shall not be sold to customers in an open container.
4. Copies of receipts of all alcohol and tobacco products purchased from suppliers will be retained and maintained for inspection for a period of at least 12 months from the date of purchase.
5. All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop
6. A closed circuit television system shall be maintained in all internal areas of the premises where alcohol is kept for selection and purchase by the public as well as public entrances and exits.
  - a) The system shall be capable of recording images of sufficient quality to enable facial recognition and shall record continuously with a date and time stamp applied to the recording to show when the recording was made. All recordings shall be retained for a period of no less than 31 days from the date of recording and the system shall be capable of producing copies of the recordings in a format that can be viewed on domestic-grade reproduction equipment of a computer.
  - b) A staff member from the premises who is trained and conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the minimum of delay when requested, subject to the tests contained within the Data Protection Act.
  - c) Daily documented checks be carried out on the system, by either the DPS or a manager delegated in writing by the DPS. These checks shall record whether all cameras are working, the date and time is correct, a minimum of 31 days recorded material is being stored and any faults to the system and remedial action taken.
7. Staff engaged in the service of customers at the premises shall be trained in the promotion of the licensing objectives as are commensurate with their duties. This shall include training on awareness of local alcohol related issues. The training shall be recorded in a training record which shall not be removed from the premises, except in case of emergency or for the purposes of copying, until a period of 12 months has expired since the last entry that has been recorded. The training record shall be made available to Police and authorised council officers on request.

- a. All staff to receive documented refresher training at least every 6 months in relation to the promotion of the licensing objectives. The documentation shall include the content of the training with details confirming the name of the trainer and names of the staff undertaking the training.
8. A log of refusals to alcohol shall be maintained at the premises. The matters to be included: refusals of sales of alcohol to persons who appear to be under the age of 25 without the required proof of age documents, refusals of sales to persons who appear intoxicated, refusals of persons known to consume alcohol in breach of the local PSPO.

**REASONS FOR DECISION**

The Sub-Committee were very concerned that the staff at the premises on 1<sup>st</sup> November 2019 clearly misled the police when carrying out their lawful enquiries and then compounded the issue by cleaning a crime scene to remove evidence of blood.

The Sub-Committee had concerns with regard to the management of the premise in that there is a history of alcohol being sold out of this premise to those who were drunk and the resulting antisocial behaviour in the immediate area could in part be linked to the premise. The Sub-Committee is very aware that there are other licensed premises in the area.

The Sub-Committee did consider revocation of the licence but upon hearing the representation by TVP and the willingness by Mr Singh to fully cooperate agreed that on this occasion suspension was the proportionate response. The period of 21 days would give Mr Singh the appropriate time to train and record that training. Should for any reason the training not take place or be deemed inadequate then the suspension would continue until the training had been satisfactorily completed up to the maximum suspension permissible of 3 months.

There is a council policy that single can with an AVB of above 5.5% should not be sold- but in this case due to the history of the premises and the repeated warnings to Mr.Singh the Sub-Committee feel that the imposition of no single can sales is a proportionate response.

The Sub-Committee were very pleased to see that Personal Licence Courses UK Ltd were assisting Mr.Singh in providing the much needed training.

The Sub-Committee is satisfied that the above decision and reasons given are a reasonable and proportionate response to the representations made.

**RIGHT OF APPEAL**

An appeal against the decision of the Sub-Committee may be made by:

- a) The premises licence holder
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice