



## Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Thursday 12 August 2021 in Via Video Conference, commencing at 10.34 am and concluding at 12.10 pm.

### Members present

T Green (Chairman), B Stanier Bt and A Wood

### Others in attendance

L Hornby, S Mahmood and B Whittall

### Agenda Item

#### **1 Introductory remarks by the Chairman**

The Chairman welcomed everyone to the meeting. Officers who were assisting the Members were also introduced.

Also in attendance were Mr Suresh Kanapathi, the applicant's agent, Mr Rajaratnam Sasikaran, the applicant, and Mr Andy Dean, Licensing Officer at Thames Valley Police.

#### **2 Apologies for absence**

There were none.

#### **3 Declarations of interest**

There were none.

#### **4 Hearing Procedure Rules**

All present confirmed they had understood the procedures rules that applied to this hearing.

#### **5 Premier Stores, 69 Woodfield Road, Princes Risborough, HP27 0HX**

Members were asked to determine an application for a new premises licence, in respect of which relevant representations had been received. The Application had been submitted by via Arka Licensing of 89 Bickersteth Road, London, SW17 on behalf of their client Mr Rajaratnam Sasikaran of 39 St Mary's Road, Hayes, Middlesex, UB3 2JP ("the applicant") in respect of Premier Stores, 69 Woodfield Road, Princes Risborough, HP27 0HX ("the premises").

Following a detailed discussion all parties present confirmed that they were satisfied

that they had received a fair hearing and had nothing further to add. The Sub Committee retired to make its decision which can be seen in the attached decision notice.

**LICENSING ACT 2003**

**APPLICATION MADE UNDER SECTION 42 LICENSING ACT 2003 TO TRANSFER PREMISES LICENCE**

**NOTIFICATION OF DECISION OF APPLICATION UNDER SECTION 44 OF THE LICENSING ACT 2003 WHERE RELEVANT REPRESENTATIONS HAVE BEEN MADE**

**PREMISES:** Premier Stores, 69 Woodfield Road, Princes Risborough, HP27 0HX

**To:**

The Applicant - Rajaratnam Sasikaran

The Chief Constable of Thames Valley Police

**Take Notice**

**THAT** following a hearing of the Licensing Sub-Committee

**ON** 12<sup>th</sup> August 2021

**BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises**

**RESOLVED TO REFUSE THE APPLICATION TO TRANSFER THE PREMISES LICENCE**

The effect of this decision is that:

1. On receipt of this notice by the Applicant and pursuant to section 43(2)(b)(ii) of the Licensing Act 2003 the Applicant is no longer the holder of the premises licence.
2. On receipt of this notice by the Applicant, the premises licence reverts to the original premises licence holder as recorded in the application, being Kanaganayagam Shanthakumar.

For the avoidance of doubt, this authority will be writing to Kanaganayagam Shanthakumar in separate correspondence to advise of the Panel's decision.

**Reasons for the Panel's Decision**

In making their decision, the panel took into account the legislation, the statutory guidance and the Council's own licensing policy. The licensing policy states at 3.17 that the Authority will particularly take into account representations by Thames Valley Police.

In particular, the panel took note of the following:

1. The Applicant has been involved with the premises since January 2019 and holds a personal licence. As such he would reasonably be expected to understand the licensing objectives and ensure that these were upheld. Notwithstanding this, the following breaches were noted:
  - Staff were unable to provide CCTV footage on request as required by the conditions of the existing licence. It was suggested on behalf of the Applicant that the staff member was unable to do so under pressure. This explanation was not accepted by Thames Valley Police who stated that the staff member advised them he had not been trained to use CCTV.
  - A number of alcohol containers (approx. 20-30) did not bear stickers with the name of the shop as required by the existing licence conditions. The panel was not convinced by the suggestion that these simply had fallen off due to dampness in the refrigerator and/or were not on display. This was again refuted by Thames Valley Police who had noted untagged items on the shelves. It was also questionable that so many labels would simply have “fallen off” due to storage in the refrigerator.

Whilst it was submitted that the Applicant has taken steps to improve procedure so as to ensure compliance with the licence conditions/objectives, the panel were concerned about the credibility of the submissions made by the Applicant’s agent which were at odds with the findings of Thames Valley Police.

2. It was noted that the existing premises licence holder authorised the transfer of premises licence and variation of DPS on 25<sup>th</sup> March 2021. The panel did not consider that a satisfactory explanation had been provided as to why these applications were not submitted to the Licensing Authority until 9<sup>th</sup> July 2021, following a compliance check carried out by Thames Valley Police and the Licensing Authority earlier that day. It appeared that whilst the Applicant had effectively been controlling the business for some time, he was deflecting responsibility for any breaches to the existing Premises Licence Holder and did submit the applications/take responsibility until challenged by the Authorities.
3. It was submitted on behalf of the Applicant that the above issues have been addressed. However, it remained of concern to the panel that such breaches had occurred under the management of the Applicant, given the length of time he had been involved with the premises, further that he appeared to be trying to place responsibility for the same on the existing Premises Licence Holder.
4. The panel concluded that the Applicant either did not understand or had blatant disregard for the obligations placed on him under the licence and the legal requirement imposed on him to promote the licensing objective of reducing crime and disorder.
5. Whilst the panel did not object to the transfer of premises licence in principle, they were unable to grant such transfer in the name of the Applicant.

The panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.



Clerk to the Licensing Sub-Committee

Date: 18<sup>th</sup> August 2021

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**LICENSING ACT 2003****APPLICATION MADE UNDER SECTION 37 TO VARY A LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR****NOTIFICATION OF DECISION OF APPLICATION UNDER SECTION 39 OF THE LICENSING ACT 2003 WHERE RELEVANT REPRESENTATIONS WERE MADE**

**PREMISES:** Premier Stores, 69 Woodfield Road, Princes Risborough, HP27 0HX

**To:**

The Applicant - Rajaratnam Sasikaran  
The Chief Constable of Thames Valley Police

**Take Notice**

**THAT** following a hearing of the Licensing Sub-Committee

**ON** 12<sup>th</sup> August 2021

**BUCKINGHAMSHIRE COUNCIL** as the Licensing Authority for the Premises

**RESOLVED TO REFUSE THE APPLICATION TO VARY A LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR.**

The effect of this decision is that:

1. On receipt of this notice by the Applicant and pursuant to section 38(3)(b)(ii) of the Licensing Act 2003, the Applicant is no longer the designated premises supervisor.

For the avoidance of doubt as to the legal requirement of a designated premises supervisor, the decision of the Licensing Sub-Committee will be communicated to the premises licence holder and designated premises supervisor as recorded in the application, Kanaganayagam Shanthakumar, in separate correspondence.

**Reasons for the Panel's Decision**

In making their decision, the panel took into account the legislation, the statutory guidance and the Council's own licensing policy. The licensing policy states at 3.17 that the Authority will particularly take into account representations by Thames Valley Police.

The panel also considered the written and oral representations of the parties.

In particular, the panel took note of the following:

1. The Applicant has been involved with the premises since January 2019 and holds a personal licence. As such he would reasonably be expected to understand the

licensing objectives and ensure that these were upheld. Notwithstanding this, the following breaches were noted:

- Staff were unable to provide CCTV footage on request as required by the conditions of the existing licence. It was suggested on behalf of the Applicant that the staff member was unable to do so under pressure. This explanation was not accepted by Thames Valley Police who stated that the staff member advised them he had not been trained to use CCTV.
- A number of alcohol containers (approx. 20-30) did not bear stickers with the name of the shop as required by the existing licence conditions. The panel was not convinced by the suggestion that these simply had fallen off. Whilst it was submitted by the Applicant's representative that these items were not on display, this was again refuted by Thames Valley Police who had noted items on the shelves.

Whilst it was submitted by the Applicant's representative that he has taken steps to improve procedures so as to ensure compliance with the licence conditions/objectives, the panel were concerned by the previous lack of compliance during a period when the applicant was in effective control of the premises.

2. It was noted that the existing premises licence holder authorised the transfer of premises licence and variation of DPS on 25<sup>th</sup> March 2021. The panel did not consider that a satisfactory explanation had been provided as to why these applications were not submitted to the Licensing Authority until 9<sup>th</sup> July 2021, following a compliance check carried out by Thames Valley Police and the Licensing Authority earlier that day. It appeared that whilst the Applicant had effectively been controlling the business for some time, he was deflecting responsibility for any breaches to the existing Premises Licence Holder and did not submit the applications/take responsibility until challenged by the Authorities.
3. It was submitted on behalf of the Applicant that the above issues have been addressed. However, it remained of concern to the panel that such breaches had occurred under the management of the Applicant, given the length of time he had been involved with the premises, further that he appeared to be trying to place responsibility for the same on the existing Premises Licence Holder.
4. The panel concluded that the Applicant either did not understand or had blatant disregard for the obligations placed on him under the licence and the legal requirement imposed on him to promote the licensing objective of reducing crime and disorder.

The panel took into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton



Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

A handwritten signature in black ink, appearing to read 'S. Mahmood', written in a cursive style.

Clerk to the Licensing Sub-Committee

Date: 18<sup>th</sup> August 2021

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