



Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Thursday 12 January 2023 in Via Video Conference, commencing at 6.30 pm and concluding at 7.25 pm.

Members present

J Rush, D Town and H Wallace

Others in attendance

K Ashton, L Hornby and S Manek

Apologies

B Whittall

Agenda Item

1 Introductory remarks by the Chairman

The Chairman welcomed everyone to the meeting. Members, and officers who were assisting the Members, were introduced.

Also in attendance were:

Mr Andy Dean, Thames Valley Police (the applicant)
Mr Ian Smith, Surrey and Bucks Trading Standards
Mr Simon Gallacher, Buckinghamshire Licensing Authority
Mr Diako Salam, the Licensee

2 Declarations of interest

There were none.

3 Hearing Procedure Rules

All present all confirmed they had read and understood the procedure rules that applied to this meeting.

4 Thames Valley Police in respect of Grosik, 4-5 Thame House, Castle Street, High Wycombe, HP13 6RZ

Members were asked to determine a review of a premises licence, in respect of which relevant representations had been received. The Application had been submitted by the Chief Constable of Thames Valley Police, Thames Valley Police

Headquarters South, Oxford Road, Kidlington, OX5 2NX (“The Applicant”) in relation to Grosik, 4-5 Thame House, Castle Street, High Wycombe, HP13 6RZ (“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

Sections 51 and 52

NOTIFICATION OF GRANT OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

PREMISES: Grosik Supermarket, 4-5 Thame House, Castle Street, High Wycombe, HP13 6RZ

To:

The Applicant: Thames Valley Police
Any Persons who made Relevant Representations
Any Responsible Authority who made Relevant Representations

Take Notice

THAT following a review hearing of the Licensing Sub-Committee

ON 12 JANUARY 2023

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

RESOLVED TO REVOKE THE PREMISES LICENCE

THE REVOCATION SHALL TAKE EFFECT FROM THE END OF THE PERIOD GIVEN FOR APPEALING AGAINST THIS DECISION OR IF THE DECISION IS APPEALED AGAINST, THE DATE THE APPEAL IS DISPOSED OF.

REVOCATION

The Premises Licence is revoked.

The effect of this decision is that no licensable activities, namely the retail sale of alcohol may be undertaken at any time. Should the sale of alcohol be undertaken from the premises, including exposing alcohol for sale and keeping alcohol on the premises after the period to appeal this decision has passed, this would be a criminal offence under s.136, s.137 and s.138 respectively of the Licensing Act 2003.

Reasons for the Panel's Decision

The Panel took account of the written representations and oral submissions made by the Applicant and the Interested Parties and the oral submissions made by the Premises Licence Holder at the time of the hearing.

The Panel noted that the prevention of crime objective had been consistently undermined throughout the history of the premises licence and that on the balance of probabilities these

breaches had continued since the current Premise Licence Holder had acquired the business in December 2021. These breaches included the following:

1. The purchase of 10 packets of illicit tobacco in June 2022 and the use of the concealed chamber to store illicit tobacco on the premises which led to the seizure of 475 packets of cigarettes on 10th August 2022.
2. The continued presence and involvement of three previous staff members in the running of the business despite the assurances provided at the time of the meeting with the Police and the Licensing Officer on 15th August 2022 that no previous employees would be kept on.
3. The underage sale which occurred on 14th October 2022 by a person unknown to the Premises Licence Holder who was present on the premises behind the till. The Panel did not accept the explanation provided by the Premises Licence Holder that the alcoholic item purchased looked like a can of fizzy drink as this did not reflect the representations made by the Police who stated that it was a bottle of spirits which was purchased.
4. The suspicious activity following the departure of the Police and the Licensing Officer on 14th October when a number of individuals including those previously and presently associated with the business arrived at the premises and a large quantity of cash was taken from the till and handed over to persons who were not known to the Premises Licence Holder. The Panel did not accept the account provided by the Premises Licence Holder at the time of the meeting with the Licensing Authority on 23rd November 2022 regarding the repair to the fridge and the subsequent explanation for the failure to provide the invoices provided at the time of the hearing.

The Panel considered very carefully whether their concerns regarding breach of the prevention of crime objective could be met by the imposition of further conditions on the premises licence but noted that the history of breach of conditions had continued since the premises licence had been transferred to the Premises Licence Holder including the formal warning issued after no staff had been able to operate the CCTV on 14th October 2022 and the further breaches of the premises licence identified on 17th October 2022.

The Panel had no faith in the ability of the Premises Licence Holder to uphold the licensing objectives of prevention of crime and disorder or the protection of children from harm in view of his admissions to the Licensing Authority at the time of the meeting on 23rd November 2022 when he accepted that he did not know what was going on at his premises.

The Panel was pleased that the Premises Licence Holder has made the unilateral decision to voluntarily stop selling alcohol. Nonetheless taking into account legislation, the Council's Licensing Policy in particular paragraphs Part C (3.6, 3.14 3.15, 3.26, 3.28 and 3.32) and Part D (4.3 and 4.4).and the Guidance under Section 182 Licensing Act 2003 in particular paragraphs 11.24 and 11.27 and 11.28 the Panel had no confidence in the ability of the Premises Licence Holder to manage the premises, and to put the necessary management

controls in place or to promote the licensing objectives. In light of this, suspension of the premises licence or merely removing the Premises Licence Holder as the Designated Premises Supervisor would not allay these concerns which left the Panel with no options but to revoke the Premises Licence.

The Panel felt that it was fair and proportionate to revoke the premises licence to promote the licensing objectives of the prevention of public nuisance, public safety and the prevention of crime and disorder and the protection of children from harm.

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.

Clerk to the Licensing Sub-Committee

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a horizontal line.

Date:18th January 2023.

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