

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 12th 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 25th 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 9th 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: 18th August 2021