

Minutes of the meeting of the LICENSING SUB-COMMITTEE held on MONDAY
10 JANUARY 2022 at 6:03 pm

- Present:** Councillor McLean (Chair)
Councillors Marlow and Wallis
- Officers:** S Teesdale (Licensing and Business Manager), E Fisher (Senior Licensing Officer), J Sloan (Senior Licensing Officer), M Tiley (Solicitor - Litigation) and J Crighton (Committee Manager)
- Also Present:** Mr D Rusu (Premises Licence Holder), Mrs A auf der Mauer (Premises Licence Holder's representative) and G McCormack (Licensing Officer [Thames Valley Police])

LSC16 DECLARATIONS OF INTEREST

None disclosed.

LSC17 APPLICATION FOR A REVIEW OF A PREMISES LICENCE - FOOD 4 LESS, AKA TRANSILVANIA, 180A QUEENSWAY, BLETCHLEY

The Sub-Committee considered an application for a Review of a Premises Licence in respect of Food 4 Less, aka Transilvania, 180a Queensway, Bletchley.

The Sub-Committee noted that a review application was an enforcement tool used when other methods to bring an operator into compliance had not been effective.

The Sub-Committee was informed the review application had been submitted by the Licensing Authority, acting as a Responsible Authority, in November 2021 following concerns that all four Licensing Objectives were not being met.

G McCormack (Licensing Officer [Thames Valley Police]) had submitted a representation in support of the review application on the grounds of staff not being able to demonstrate compliance with the conditions on the licence, together with concerns regarding who held responsibility for the business and the sale of alcohol.

It was noted that, in September 2021, the premises licence had been suspended until payment of the annual fee had been received, which had, subsequently, led to an inspection of the premises.

Upon inspection, there had been concerns regarding who was responsible for the licence and the sale of alcohol. The premises licence holder and Designated Premises Supervisor (DPS) named on the licence, granted in 2016, were no longer connected with the premises, which had been known as 'Food 4 Less', and had not relinquished their positions on the licence.

It was reported that an alteration to the layout of the premises had been undertaken. The Licensing Authority had not been made aware of this and amendments to a plan of the premises was required in order to update the licence.

There had also been grave concern regarding staff not effectively demonstrating an understanding of the conditions on the licence, the controls and steps that should be taken in terms of the supply of alcohol, training, and refusal log records.

In order to resolve the concerns, the Licensing Authority had been working with the licence holder.

On 10 December 2021, an application had been submitted to transfer the premises licence to Mars Continental Limited, of which Mr Rusu was a director, and this had been granted with immediate effect.

On 6 January 2022, an application had been received to vary the DPS in order that Mr Rusu be named on the licence and, therefore, would be accountable for the running of the premises and the sale of alcohol. The application had been granted by both the Licensing Authority and Thames Valley Police.

It was further noted that an amended plan had also been submitted to be approved by statutory process.

Mr Rusu had appointed an agent who advised the Sub-Committee of the following:

- (a) adequate signage had been displayed appropriate to the premises;
- (b) training had been undertaken with five of the six staff employed at the premises to operate 'Challenge 25', which was above the licence condition of 'Challenge 21', which included the acceptable terms of photographic ID, although this had not been full mandatory licensing training; and
- (c) the tills now recorded all alcohol refusals, but Mr Rusu had been unclear how to obtain the required data and would, therefore, contact the company that provided the till system

to resolve the issue and also seek to change the till prompt to 'Challenge 25'.

The Sub-Committee noted the concerns surrounding the review. However, it was of the view that Mr Rusu had shown a commitment to rectify the matters, although there had still been a number of issues that had not been fully resolved, and to suspend the licence for a maximum of three months, with no effect for the 21 days appeal time, was the most appropriate course of action to bring the premises into compliance.

RESOLVED -

1. That the licence be suspended for a maximum of three months, to bring the premises back into full compliance. The licensing officer will liaise with the licence holder during this time to ensure they have fully satisfied the licence conditions, including amendments to be made to those conditions below:
 - (a) Condition 2.2 be amended to 'Challenge 25' from 'Challenge 21';
 - (b) Condition 2.4 be amended to include 'or available electronically' in relation to the refusal log;
 - (c) Condition 2.5 be amended to define that training be undertaken every six months, and new staff be trained within one week of commencing employment;
 - (d) that the licence be updated to reflect the premises name of 'Transilvania'; and
 - (e) that an accurate licensed plan be attached to the licence through necessary application.
2. That the suspension imposed be curtailed once a licensing officer has confirmed in writing that the premises are compliant with the terms and conditions on the licence, taking into account the above requirements and all other legal requirements.

THE CHAIR CLOSED THE MEETING AT 7:22 PM