

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: Premier Store (Costcutters), Eaglestone, Milton Keynes

20 February 2007

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| <b>Constitution of the Sub-Committee:</b> | Councillors, Carruthers, Eastman and Tamagnini-Barbosa                           |                      |
| <b>Chair</b>                              | Councillor Carruthers  |                      |
| <b>Legal Advisor:</b>                     | I Ali  |                      |
| <b>Committee Manager:</b>                 | J Sloan  |                      |
| <b>Licensing Officer:</b>                 | E Fisher<br>C Londy  |                      |
| <b>Applicant/ Applicants:</b>             | Mr Thavarajah  |                      |
| <b>Representative/ Solicitor:</b>         | Mr D Hook  |                      |
| <b>Responsible Authorities:</b>           | K Searle   | Trading Standards    |
|   | C Downhill   | Trading Standards    |
|   | S Rycraft  | Trading Standards    |
|   | L Poizat   | Thames Valley Police |
|   | Inspector Mulholland   | Thames Valley Police |
| <b>Members of Public</b>                  | 2  |                      |
| <b>Documentation:</b>                     | Report of Licensing Officer and annexed representations.<br>Additional Documents |                      |
| <b>Apologies:</b>                         | None   |                      |
| <b>Disclosures of interest:</b>           | None   |                      |

Prior to the commencement of the hearing the Chair read an opening statement, which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

At the close of the hearing the Chair informed all parties of their rights of appeal to the decision which had been made by the Sub-Committee.

Milton Keynes Council

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| <b>Signature:</b>       |                       |
| <b>Chairman:</b>        | Councillor Carruthers |
| <b>Date of Hearing:</b> | 20 February 2007      |

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**1. Findings of Fact**

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

- a) Licensee Mr Thavarajah is the DPS
  - b) There were two incidents of underage sales on 15 February 2006 and 22 November 2006 in respect of which Fixed Penalty notices were issued and paid.
  - c) Thames Valley Police provided evidence that there was an increase in low level offences and Anti-Social behaviour on the Eaglestone Estate, but could not be linked to any one spot or area.
  - d) The Licensee admitted that the test purchases were correctly made and accepts the evidence of the Police, Trading Standards and the Licensing Authority. The Licensee also admits that what has gone on in regard of the management of the premises was not justifiable and was pathetic, in response to which consultants was brought in after November 2006.
  - e) The Licensee has accepted responsibility for the refusal log
  - f) A transfer application to change the Premises Licence Holder has been made.
  - g) The Licensee has accepted a number of conditions submitted by the Licensee themselves, the Police and Trading Standards
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**2. Full text of unanimous decision on the application**

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RESOLVED


That the Licence to sell alcohol be suspended for a 6 week period and the removal of the current DPS, Mr Thavarajah.

The Premises License is subject to the following conditions subject to detailed wording agreed with the Licensing Authority

1. That all alcohol sales are conducted by a personal licence holder
2. Implementation of an approved proof of age scheme (perhaps challenge 21).
3. One refusal log to record any attempts to purchase alcohol that were refused, to be checked and signed by the DPS on a weekly basis.
4. The Premises Licence holder will ensure that all staff involved in alcohol sales receive full training on the law relating underage sales and maintain a written record of the training that each person has received. In addition regular monthly refresher training to be given and recorded. Training log to be provided to Police, the Authority or Licensing Authority on request
5. That a separate incident book be kept.
6. To install CCTV to the approval of the Thames Valley Police within 3 months

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### **3. Reasons for decision**

*(An explanation of why:*

- when applying the findings of fact to the statutory provisions, Secretary of State's Guidance, the authority's Statement of Licensing Policy and, above all, promotion of the licensing objectives, a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
  - if facts were in dispute and it is not clear from the "Findings of Fact" box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*
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Legal advice was not given in deliberation.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report DCMS Guidance and its own licensing policy.


The Sub-Committee was concerned as to the apparent lack of consistency in the refusal log and the were genuine concerns as to its authenticity, however the Sub-Committee understood that a new management system was being put in place.

The Sub-Committee had no confidence in the current DPS.

The Sub-Committee is satisfied that the conditions attached are necessary to satisfy the representations made tonight.

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