

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 21 February 2012

PRESENT: Councillor Eales (Chair) Ford and Malpas

OFFICERS: Mebs Kassam (Solicitor)
Louise Faulkner (Licensing Administrator)

FOR THE PC Bryan (Northamptonshire Police)

APPLICANT

FOR THE Ms Maria Boehm (DW Solicitors)

REPRESENTORS Mr Bhupinder Dhaliwal

1. REVIEW OF THE PLOUGH HOTEL, BRIDGE STREET

The Chair introduced members of the Sub Committee and welcomed everyone to the meeting.

The Licensing Officer outlined the purpose of the hearing and explained that an application for the review of the premises had been received from Northamptonshire Police on 2 of the Licensing Objectives; the prevention of crime and disorder and the protection of children from harm. The Licensing Officer then explained the procedure of the hearing.

Application for the Review

PC Bryan from Northamptonshire Police confirmed that they had applied for the review of the premises on the grounds of the Licensing Objectives of Prevention of Crime and Disorder and Protection of Children from Harm. He reported that on the 30th September 2011 Northamptonshire Police had conducted a Test Purchase operation at the premises in relation to the sale of alcohol to minors. The seller sold alcohol to two 15 year olds. The seller was dealt with by way of a Penalty Notice for Disorder, of £80.00, which has been paid.

Furthermore on the 21st October 2011, Northamptonshire Police carried out another Test Purchase in relation to the sale of alcohol to minors and the seller again sold alcohol to two 15 year olds. The seller was the Manager who was a Personal Licence Holder. The Manager was interviewed under caution and received a caution in respect of the sale of the alcohol he made to minors. Also on 6th December the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr Bhupinder Dhaliwal was interviewed under caution. He was reported for the offence of Section 147a of the Licensing Act 2003, persistently selling alcohol to children. The courts subsequently fined him £600.

Clarification was sought by the Sub Committee as to who were the sellers and who is the current DPS. Neither of the sellers was Mr Dhaliwal. The second seller had been Mr Bob Hardman, who was now the DPS. Mr Hardman had received a caution for the offence. He was acting as manager of the premises at the time of the offences, and was more involved in the day to day running of the premises than Mr Dhaliwal.

Representation by the Respondent

Ms Maria Boehm from DW Solicitors spoke on behalf of the respondent Mr Dhaliwal. She stated that Mr Dhaliwal accepted that underage sales had taken place and that he deeply

regretted the incidents. Mr Dhaliwal had not been involved in the day to day running of the business at the time of the incident and was unaware that the first incident had taken place until after the second underage sale. He was no longer the DPS and had appointed Mr Hardman as DPS.

Mr Hardman had undertaken a training programme for all staff. All staff had completed Challenge 25 licence training and had completed an E learning course. Challenge 25 posters were displayed at the premises and a reminder was incorporated in staff signing in records. Mr Hardman was responsible for ensuring that all staff were trained and that they completed a three-month review. Arrangements were also being made for more staff to undertake personal licence training so that there would also be a trained person on the premises. Training records were made available to members of the Sub Committee.

Trading Standards had arranged a further test purchase in November 2011 and this had been correctly refused.

Mr Dhaliwal had co operated with the Police in devising conditions that he was happy to accept. These were

- A personal licence holder will be on duty on the premises at all times when licensable activities are taking place subject to sickness and or staff turn round requiring new staff to be trained.”
- “No person under the age of 18 years to use the public bar after 8pm, excluding the function room, with the exception of children accompanied by an adult who are bona fide residents of the Plough Hotel.”

Ms Boehm commented that both Mr Dhaliwal and Mr Hardman had long experience in the licensed trade and had not had any previous problems.

Questions to the Respondent

In response to a question from the Sub Committee Mr Dhaliwal stated that the second underage sale had occurred at a time when the seller was very tired after a long day and had not been thinking.

Mr Dhaliwal considered that approximately 20- 25% of the income from the premises came from alcohol sales. Any revocation or suspension may have an impact on pre booked functions. He was unable to state how many of functions were currently booked for the next few months.

Summing up by the Respondent

Ms Boehm stated that her client Mr Dhaliwal accepted the seriousness of the situation. He had been co-operative and pro active in working with the Police to suggest acceptable conditions. He had removed himself as DPS as he was not present at the premises on a regular basis.

She considered that the proposed conditions, and action already taken would solve the problem and that any revocation or suspension of the licence would be detrimental for any prebooked functions.

Summing up by the Applicant

PC Bryan stated that the Mr Dhaliwal had been very co operative. He believed that would satisfy the concerns of the Police. He had no objections to Mr Hardman as the Designated Premises Supervisor as he felt that it was beneficial to have someone who would be on the

premises for the majority of the time.

The Determination

There being no further questions, the Sub-Committee adjourned at 14.48 to make a decision and the Solicitor was called for advice.

The Sub-Committee reconvened at 15.15.

The Sub Committee thanked everyone for attending the Review.

The Sub-Committee considered the Review of the Premises Licence for Plough Hotel, Bridge Street, Northampton, which was called in by the Northamptonshire Police on the grounds of the Prevention of Crime and Disorder and the Protection of Children from harm.

The Sub-Committee considered the arguments raised by all parties, by hearing all representations from the Police and also from Ms Boehm who represented Mr Dhaliwal (the Licence Holder) and Mr Dhaliwal himself.

The Sub Committee decided unanimously that on balance of probability the current operation of the Plough Hotel is not promoting the Licensing objectives of the protection of children from harm and the prevention of crime and disorder.

As a result the Sub Committee decided that the following would be appropriate and proportionate:

1. The premises licence conditions to be modified to
“A personal licence holder will be on duty on the premises at all times when licensable activities are taking place subject to sickness and or staff turn round requiring new staff to be trained.”
2. “No person under the age of 18 years to use the public bar after 8pm, excluding the function room, with the exception of children accompanied by an adult who are bona fide residents of the Plough Hotel.”
3. That the sale of alcohol for consumption on and off the premises be limited to residents of the Plough Hotel and pre booked functions only for a period of 2 months after which the licensable activity of a sale by retail of alcohol revert to the same terms immediately preceding 21 February 2012.

It was noted that all parties had the right to appeal this decision to the Magistrates Courts if they felt that this it was necessary, within 21 days.

The modifications of the conditions do not take effect until after 21 days of the notification being received by Mr Dhaliwal.

The meeting concluded at 3:20 pm