

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey
on Thursday 7 December 2017 at 9:30 am

Attendance:

Councillor J Budzynski (P) Councillor A Tupper (P)
Councillor A Hope (P)

1 **Appointment of Chairman**

Resolved:

That Councillor Budzynski be appointed Chairman for the duration of the meeting.

2 **Declarations of Interest**

Councillor Tupper wished it to be noted that she had previously frequented the premises.

3 **Application for the Review of a Premises Licence – Naz’s Cuisine, The Hundred, Romsey, SO51 8BX**

The Sub-Committee considered the application by Hampshire Constabulary requesting a Review of the existing Premises Licence in respect of Naz’s Cuisine, 48 The Hundred, Romsey SO51 8BX. The Review had been requested on the basis that the Police considered the licensing objectives of prevention of crime and disorder and prevention of public nuisance were currently being harmed by activity on the premises. A copy of the Review application was attached as Annex 1 to the report with supporting information from the Police contained in their Annexes A to F. The application for a Review required the matter to be determined at a hearing.

Naz’s Cuisine is a small Indian restaurant located in The Hundred in Romsey town centre in an area of mixed business and residential properties. The premises license is for recorded music, late night refreshment and sale of alcohol for consumption on the premises.

The Licensing Manager informed the Sub-Committee that this was the second review for this premises this year, the previous review having been heard on 30 August 2017. The Decision Notice was attached to the agenda. The earlier review had resulted in the imposition of a number of additional conditions, together with the removal of the Designated Premises Supervisor (DPS).

TVBC Planning Service and Housing and Environmental Health Service had commented, but were not represented at the hearing. There had been no other representations.

PC Sharon Conway was invited to address the Sub-Committee on behalf of Hampshire Constabulary. Hampshire Constabulary considered that the premises had not been operating in accordance with licence conditions, and in particular no replacement DPS had been appointed. Notwithstanding this failure, alcohol had continued to be sold from the premises in contravention of the Licensing Act 2003. Despite all attempts to engage with Mr Islam, who appeared to be in control of the premises, the Police had seen little improvement in their management. By way of example, although CCTV had now been installed, it appeared that no one at the premises was trained to operate it, such that CCTV images could not be viewed by the Police on request.

PC Conway presented evidence that the Police had visited the premises following the previous hearing and had discovered alcohol being sold in breach of the Licensing Act 2003. However, alcohol was not now being sold from the premises, and customers were being asked to bring their own. Nevertheless, it was the view of the Police that there had been a distinct and persistent lack of co-operation and compliance by the venue and its key personnel, this despite a graduated engagement process by Police and partner agencies to work together to improve compliance.

PC Conway noted that an application to appoint a new DPS had been made on 26 September 2017, but this application had been withdrawn on 3 October. No further application had been received to appoint a new DPS.

Due to the continued lack of management control and breach of the licence conditions, Hampshire Constabulary were recommending that the licence be revoked.

The Sub-Committee were then given the opportunity to ask questions of PC Conway.

Mr Islam, representing Naz (UK) Limited, was afforded the opportunity to address the Sub-Committee. He explained that he had attempted to appoint a new DPS, and only whilst that application was pending did the premises sell alcohol. Once that application was withdrawn, alcohol ceased to be sold. He informed the Sub-Committee that an incident book was now in place, training on the sale of alcohol had taken place, CCTV had been installed and Challenge 25 notices had been put up. He also advised that there was a training book listing names, dates and what training was required and/or undertaken.

On the subject of CCTV Mr Islam reported that he was trying to contact the engineer who fitted the CCTV to come back to train him and his staff.

Mr Islam informed the Sub-Committee that at the previous hearing it was reported that there had been immigration offences. He advised that 2 people had been arrested and released and that no penalty or action was taken.

He stated that he and his family had been part of business life in Romsey for a number of years, and wished to continue with the business and would adhere to the conditions,

The Sub-Committee were then given the opportunity to ask questions of Mr Islam.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

DECISION

In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council’s own Statement of Licensing Policy, and together also to the written representations duly made prior to today’s hearing, and to the oral representations made here today.

Resolved:

To remove the sale of alcohol from the License as a licensable activity.

(The meeting ended at 10.55am)