



**MINUTES of
LICENSING SUB-COMMITTEE
10 MAY 2017**

PRESENT

Purpose of the Hearing:	Licensing Act 2003 – to determine the Application for the Review of a Premises Licence: Country Produce, Latchingdon Road, Cold Norton, Chelmsford, Essex, CM3 6HR
Premises:	Country Produce, Latchingdon Road, Cold Norton, Chelmsford, Essex, CM3 6HR
Councillors	B S Beale MBE, R G Boyce MBE and Mrs M E Thompson
Representing the Licensing Sub-Committee:	Ms Alexandra Maschas, Licensing Officer Mr Saleem Chughtai, Solicitor to the Council Tara Bird, Committee Clerk
Applicant:	Mr Josef Cannon (Legal Representative) Mr Stephen Sparrow (Essex Police County Licensing Officer)
Interested Parties:	Mr R Singh Grover (Licence Holder) Mr S Panchal (Licence Holder representative)
Responsible Authorities:	Mr Lee Clarke (Immigration Officer)
In Attendance:	Councillor S J Savage Mr Nigel Turner, Essex Police Licensing Officer for Chelmsford and Maldon Mr I Haines, Environmental Health and Licensing Manager, Maldon District Council Mr R Dawes, Communications Manager, Maldon District Council
Members of the Public:	None
Members of the Press:	One

1247. TO APPOINT A CHAIRMAN FOR HEARING

RESOLVED that Councillor Mrs M E Thompson be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR MRS M E THOMPSON

1248. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

1249. APOLOGIES FOR ABSENCE

An apology for absence was received from Ms Liz Webb from Trading Standards.

1250. DISCLOSURE OF INTERESTS

There were none.

**1251. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE:
COUNTRY PRODUCE, LATCHINGDON ROAD, COLD NORTON,
CHELMSFORD, ESSEX, CM3 6HR**

The Chairman asked all those present to introduce themselves.

Confirmation was sought that all those present were in possession of and had read the report of the Director of Customers and Community and Appendices A to D.

Mr Panchal who was representing the Licence Holder addressed the Committee advised that his client had only received notification of this hearing on 5 May. He therefore requested that the hearing be adjourned to allow his client to get representatives and allow a fair hearing.

In response, the applicant's legal representative, Mr Cannon, advised the Committee that it needed to consider the request for adjournment and only adjourn if it felt Mr Grover (the applicant) could not get a fair hearing. Mr Cannon advised Members that copies of the application paperwork was sent to both the premises and Mr Grover and therefore by the end of March Mr Grover would have seen the documents. Members were also advised that the agenda and related documentation was available on the Council's website from 2 May.

The Licensing Officer confirmed that the application had been made in accordance with requirements and Officers had attended the premise to put up notice of the review. A copy of the application had been sent to Mr Grover and therefore the application had been made and served correctly.

Mr Panchal explained that his company had been advised of the hearing on Monday and the barrister they worked with was not available to attend today.

The Chairman advised that Committee would adjourn to consider whether the hearing was to continue.

RESOLVED that the meeting be adjourned to allow for the Committee to consider the request to postpone the meeting.

1252. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session.

1253. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE: COUNTRY PRODUCE, LATCHINGDON ROAD, COLD NORTON, CHELMSFORD, ESSEX, CM3 6HR CONTINUED

The Chairman advised that following discussion and consideration of all information presented the Committee had agreed it was going to continue with the hearing.

The Licensing Officer outlined the application submitted for the Review of a Premises Licence for Country Produce, Latchingdon Road, Cold Norton, Chelmsford, Essex, CM3 6HR.

The Chairman invited the applicant's legal representative, Mr Cannon to make his opening statement to the Committee. Members were reminded of an additional option for consideration to those outlined in the report and that was to do nothing. Mr Cannon outlined the series of events as detailed in Appendix B to the report. He highlighted how this was not a one off occurrence as two employees had been identified, in respect of their immigration status. He explained that in his view Mr Grover had either failed to carry out checks or had known of the employees' immigration status. Mr Cannon took Members through the options available to them in consideration of this application, concluding that revocation was proportionate in his view.

Mr Cannon confirmed that he would not be calling any witnesses.

The Chairman then invited Mr Panchal to make his representation on behalf of the Licence Holder. Mr Panchal provided background information regarding the premise. He advised that Mr Grover (the licence holder) had been unaware that employee documentation had been false and how Mr Grover did employ local persons in addition to the two persons related to this review. Mr Panchal requested that the Committee consider suspension of the licence for this one off matter as steps were being taken to ensure similar incidents did not occur. One of these steps was introduction of a training manual and Mr Panchal made reference to this.

Mr Panchal confirmed that he did not have any witnesses to call.

The Chairman then invited questions from the Committee and Interested Parties.

In response to a question from a Member, Mr Panchal advised that the training manual referred to had been issued to the premises the previous week.

In response to a request from a Member to view the training manual, Mr Cannon advised that generally if documents were to be considered they should be considered in advance of the meeting, but having had a brief look at the manual he would not object to it being considered. The training manual from Mr Panchal was then passed round and viewed by Members, Mr Cannon and Ms Maschas.

The Chairman asked Mr Panchal to make a closing statement. In his statement Mr Panchal referred to the prominence of the shop, serving seven villages and the forward

steps being taken with regards to training. He referred to alcohol being the prominent sales in the shop and effective to its running. Mr Panchal requested that the Committee consider suspension for a period of four weeks to ensure manuals, training etc. was in place as a way forward.

Mr Cannon then made his closing statement to the Committee. In his statement he referred to this not being a one off incident, there being two employees, but how other employees were being paid correctly and report to Her Majesty's Revenues and Customs. He referred to how since 15 February Mr Grover had not contacted his licensing consultant until the week proceeding this meeting and he felt the information that had been provided appeared to minimal. Mr Cannon concluded that in respect of this case revocation and the stopping of alcohol sales should be considered.

The Chairman adjourned the meeting at 3:11pm for Members to make their decisions.

1254. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 3:35pm.

1255. TO DETERMINE THE ABOVE APPLICATION

The Chairman advised that having heard the submissions and evidence from both parties and having particular regard to the licensing objectives, the Committee hereby determines that the Premises Licence at Country Produce, Latchingdon Road, Cold Norton, Chelmsford, Essex be revoked.

The Chairman reminded all present of the right to appeal the decision of the Council to the Magistrates' Court.

RESOLVED that the Premises Licence in respect of Country Produce, Latchingdon Road, Cold Norton, Chelmsford, Essex be **REVOKED**.

There being no further items of business the Chairman closed the meeting at 3:37pm.

MRS M E THOMPSON
CHAIRMAN

- (a)
- (b)