



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 1 April 2015

**Committee:
Licensing Act Sub-Committee**

Date: Monday, 13 April 2015

Time: 10.00 am

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Licensing Act Sub-Committee

Vernon Bushell
Peter Cherrington
Jon Tandy

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 252726

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting.

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Application for a Review of a Premises Licence - Greenfields Convenience Store, 41 Wood Street, Shrewsbury (Pages 1 - 14)

Report of the Public Protection Officer (Specialist) is attached, marked 3.
Contact Simon Ditton on 0345 6789026



Licensing Act Sub-Committee

13th April 2015

10.00 a.m.

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a review of a Premises Licence.

Premises: Greenfields Convenience Store, 41 Wood Street, Shrewsbury, SY1 2PN. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a premises licence.

The application has been accepted as a valid application. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may grant

- take no further action
- issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
- modify conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2. Recommendations

That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant, licence holder and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 7.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a review of the Premises Licence for Greenfields Convenience Store, 41 Wood Street, Shrewsbury, SY1 2PN.

6. Background

6.1 Shropshire Council Public Protection, Trading Standards, has made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Protection of Children from Harm Licensing Objective. The application is supported by evidence of persistent sales of alcohol to under age persons.

6.2 The Premises Licence was first granted on 8th August 2013. The current Premises Licence holder and designated premises supervisor is Mr Gurmale Bhakar.

- 6.3 Following the sale of alcohol to a 16 year old volunteer on 2 occasions (21/02/2014 and 14/03/2014), on 7th July 2014 Greenfields Stores premises licence was reviewed and a decision was made to suspend the premises licence for a period of 3 months and add a number of additional licence conditions.
- 6.4 On 3rd December 2014, Greenfields Convenience Store was visited as part of a market surveillance alcohol test purchasing exercise by Shropshire Council Public Protection. During this exercise, a 16 year old male volunteer (DoB: 04/02/1998) was sold 4 cans of Lynx Lager 500ml (7.5% ALC) by Steven Gibbs, an employee of the business. It should be noted that this is the 2nd time Mr Gibbs has sold alcohol to an underage volunteer, the first being one of two sales that prompted the Service to request the Licence Review, heard on 7th July 2014.
- 6.5 Following this sale, a request was made to view the CCTV footage. The Licence holder provided 2 usb sticks, which contained no images. It transpired that there was a problem with the CCTV system hard drive so no CCTV images have been able to be produced regarding the above sale. Furthermore, there have been a number of apparent breaches of the Premises Licence conditions.
- 6.6 The current application was then submitted.
- 6.7 No further representations have been received in response to the application.

7. Options for Consideration

- 7.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- take no further action
 - issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
 - modify conditions of the licence
 - exclude a licensable activity from the scope of the licence
 - remove the designated premises supervisor
 - suspend the licence for a period not exceeding three months
 - revoke the licence
- 7.2 Members of the Sub-Committee should be advised that the applicant, licence holder or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

8. Standard of Decision Making

- 8.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for a review of a Premises Licence have to be determined by this Sub-Committee.

- 8.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 8.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 8.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Licensing Policy.
Guidance issued under section 182 of the Licensing Act 2003 (March 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

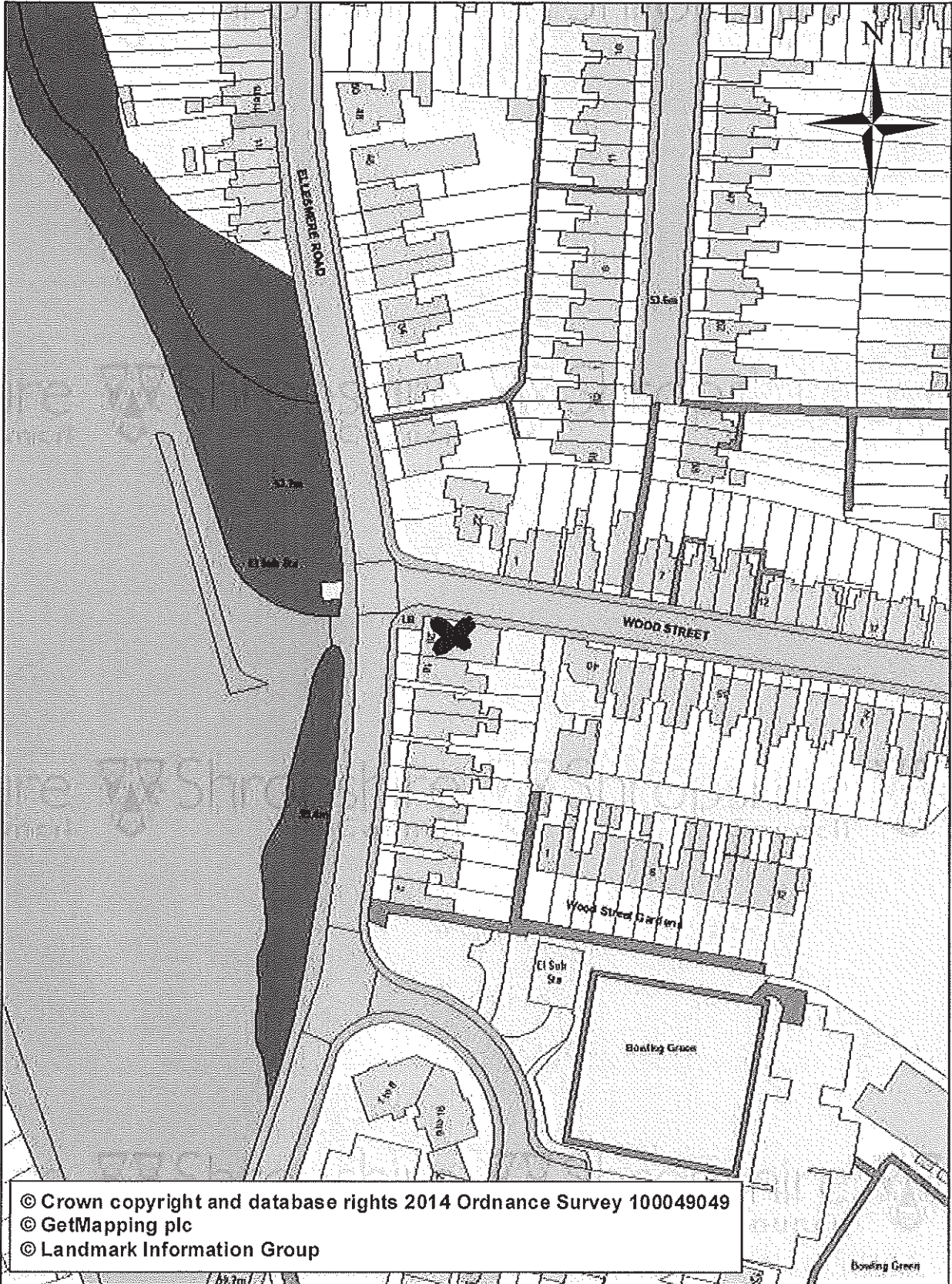
Local Member

Cllr D Carroll

Appendices

Appendix A – Location Plan

Appendix B – Current Licence



Greenfields



Date: 27/03/2015

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Premises Licence WITH Alcohol

Licensing Act 2003

PL/SC/14/00920

This Licence is Issued by



Licensing Team
Public Protection
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9026

Part 1 - Premises Details

Postal Address of Premises, or if none, Ordnance Survey Map Reference or Description

Greenfields Convenience Store
41 Wood Street, Shrewsbury, Shropshire, SY1 2PN

Where the licence is time limited, the dates - Not Applicable

Licensable activities authorised by the licence:

Supply of Alcohol

The Opening Hours of the Premises

Mon - Sat 06:00-23:00
Sun 08:00-22:00

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Mon - Sat 06:00-23:00
Sun 08:00-22:00

Where the Licence Authorises Supplies of Alcohol whether these are on and/or off Supplies

Off Premises

Part 2

Name, (Registered) Address, Telephone Number and eMail (Where Relevant) of Holder of Premises Licences

Mr Gurmale Bhakar

KLB

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**Registered Number of Holder, For Example Company Number, Charity
Number (Where Applicable)**

**Name, Address and Telephone Number of Designated Premises Supervisor Where the Premises Licence Authorises
the Supply of Alcohol**

Mr Gurmale Bhakar,

**Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor Where
the Premises Licence Authorises for the Supply of Alcohol**

Licence No.: BTWPER1420

Issued by: Telford and Wrekin

Annexes

Annex 1 - Mandatory Conditions

For the supply of alcohol

No supply of alcohol may be made under the premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

Mandatory Drinks Code Conditions

- (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Mandatory Price Conditions

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(a).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Paragraph 2 applies where the permitted price given by sub-paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

General

1. All staff will be trained to uphold the licensing law and carry out statutory obligations in respect of health and safety objectives.
2. Training records will be maintained and available for inspection by officers of the responsible authorities on request.

Prevention of Crime & Disorder

1. CCTV system in place. Tapes will be kept for a minimum of 31 days and will be made available in a digital format for inspection by the police and responsible authorities on request.
2. A new alarm system and roller shutters will be installed on the premises.
3. Any customers who appear to be drunk will not be served on the premises.

Public Safety

1. Regular risk assessments will be maintained and recorded.
2. Ample lighting will be installed in the premises.
3. Fire safety checks will take place regularly and will be recorded.
4. Fire extinguishers on the premises will be checked and maintained regularly.

Prevention of Public Nuisance

Customers will be asked to leave the premises quietly.

Protection of Children From Harm

1. A Challenge 25 policy in place and all customers who appear to be under 25 will be asked to show proof of age identification. Acceptable ID will be Pass ID with hologram, passport or driving licence. Challenge 25 posters will be displayed within the premises.
2. A record book will be maintained to record all incidents of attempted under age purchases. This will be made available for inspection by police and officers of responsible authorities on request.
3. Spirits will be displayed only behind the counter.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Hearing on 7th July 2014

1. Suspension of the Premises Licence for 3 months (effective from 16th August 2014).
2. The DPS authorisation to enable staff to sell alcohol at the premises to be recorded in writing.
3. Full training for all employees to include a BIIAB or an equivalent recognised licensee course. Copies of all training certificates to be made available, on request to a responsible authority within 6 months of the hearing.
4. Implementation of refresher training on a 6 monthly basis with comprehensive records to be maintained and made available on request, to a responsible authority.
(Conditions 3 and 4 to be read in conjunction with general conditions 1 and 2 found in Appendix 2 of the premises licence)
5. To employ the services of an external agency to test how robust the organisation is at enforcing the 'Challenge 25 Policy'. This is to consist of 4 tests over a 12 month period (August 2014 to September 2015) with the results submitted to Shropshire Licensing. This to be repeated year on year until a 100% success rate has been achieved during such a 12 month period.

Annex 4 – Plans

Drawing No GRE/1 Date 04/08/13

Premises Licence WITH Alcohol Summary

Licensing Act 2003

PL/SC/14/00920

This Licence is Issued by



Licensing Team
Public Protection
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

web: www.shropshire.gov.uk
Tel.: 0345 678 9026

Premises Details

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Where the Licence Authorises Supplies of Alcohol whether these are on and/or off Supplies

Off Premises

Name, (Registered) Address of Holder of Premises Licences

Mr Gurmale Bhakar

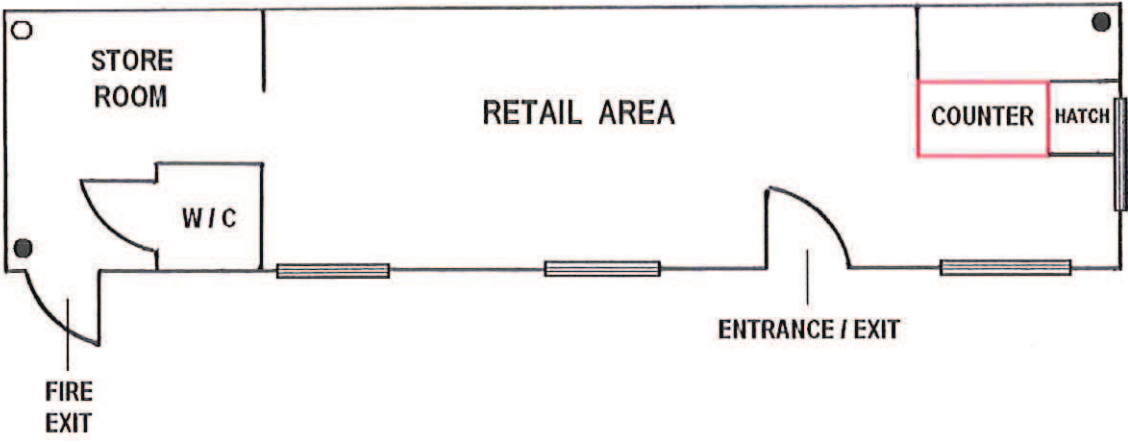
**Registered Number of Holder, For Example Company Number, Charity
Number (Where Applicable)**

**Name of Designated Premises Supervisor Where the Premises Licence Authorises
the Supply of Alcohol**

Mr Gurmale Bhakar,

KEY -

- Licensable Area
- - 9 LTR Water Fire Extinguisher
- - 4.5 KG Powder Fire Extinguisher



<p>Drawing Title - Mr Gurmale Bhakar Greenfields Convenience Stores 41 Wood Street, Shrewsbury, Shropshire, SY1 2PN</p>		
<p>Scale 1 : 100</p>	<p>Drawing No GRE / 1</p>	<p>Date 04.08.13</p>
<p>Drawing Amended By - Michael P O'Grady</p>		
<p>Of - Bridges Marketing 28 Mayfair Grove, Priorslee, Telford, Shropshire, TF2 9GJ Tel : 01952 204202</p>		

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