



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

Date: Tuesday, 20 June 2017

**Committee:
Licensing Act Sub-Committee**

Date: Wednesday, 28 June 2017

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

Simon Jones
Kevin Pardy
Keith Roberts

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257717

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 - News Shop Express, Shrewsbury (Pages 1 - 14)

Report of the Public Protection Officer (Professional) is attached, marked 3.
Contact Jessica Moores on 0345 6789026



<u>Committee and date</u>
Licensing Act Sub-Committee
Wednesday 28 th June 2017

<u>Item</u>
3
Public

LICENSING ACT 2003

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Responsible Officer Jessica Moores, Public Protection Officer (Professional)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

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

Premises: News Shop Express/First Stop Express, 5 London Road, Shrewsbury, Shropshire, SY2 6NN.

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 review of 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:

- 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 any action on the licence holder's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a review of the Premises Licence for News Shop Express/First Stop Express, 5 London Road, Shrewsbury, Shropshire, SY2 6NN.

6. Background

- 6.1 Shropshire Council Public Protection with responsibility for Trading Standards (the "Applicant") 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 and the Prevention of Crime and Disorder licensing objectives. The application is supported by evidence from tobacco and alcohol underage sale test purchase exercises carried out at the premises, and tape recorded interviews carried out with the premises licence holder.

- 6.2 The current Premises Licence was first granted on 12th March 2013 (Premises Licence Number PL/SC/27819). Mr Tajinder SINGH is both the Premises Licence holder and the Designated Premises Supervisor (as of 20th February 2017)
- 6.3 The Applicant carries out routine underage sale test purchases at licensed premises across Shropshire. On 31st August 2016 an underage tobacco test purchase was carried out during which a 16 year old was sold tobacco. On the 9th December 2016 an underage alcohol test purchase was carried out during which alcohol was sold to a 16 year old.
- 6.4 At the time of both test purchases there was no refusals/challenge register available in the premises and staff were not operating a 'Challenge 25' Policy, as per the conditions of the premises licence.
- 6.5 The Applicant has highlighted significant issues with the level and quality of staff training at the premises in relation to the Licensing Act 2003, underage sales and the Challenge 25 Policy. It is a condition of the licence that:
1. There will be fully comprehensive ongoing, documented training to include regular refresher training and changing legislation updates for all staff;
 2. All training records will be retained and available on site for inspection.

Evidence submitted by the Applicant would suggest that this condition has not been met.

- 6.6 Mr SINGH appears to have been acting the as the Designated Premises Supervisor for some time, a role he didn't apply for until the 2nd February 2017 or hold until the 20th February 2017. Until this point the Designated Premises Supervisor was a Mrs Sumerjit K SANGHERA. It is an offence under Section 33 of the Licensing Act 2003 to fail to notify the Licensing Authority of a change of name or address of a Designated Premises Supervisor without reasonable excuse.
- 6.7 Incorrect names have been supplied to officers of Shropshire Council and West Mercia Police throughout the course of the Applicant's investigation, which appears to have obstructed and lengthened their investigation, and made it unclear and difficult to determine who has overall control and responsibility for the premises. This is reflected in the confusion of staff members in the same matter.
- 6.8 The application has been submitted in order to address the above issues.

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.

8.5 For any restriction or condition to apply to live or recorded music between the hours of 08:00 and 23:00 for up to 500 persons (on the premises), a statement that Section 177A of the Licensing Act 2003 does not apply to the condition/restriction must be included.

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 R Macey

Local Member

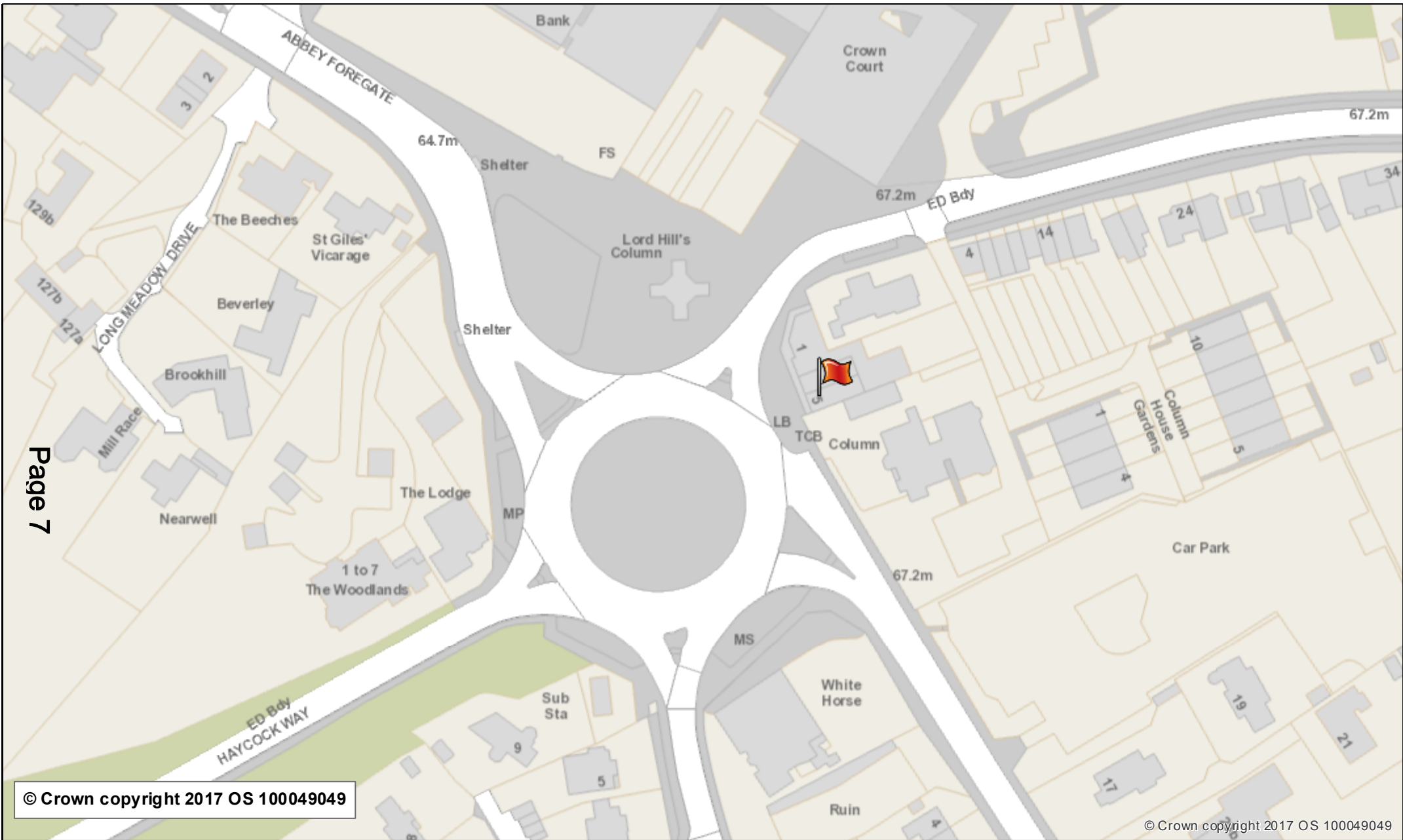
Cllrs T Clarke, J MacKenzie & T Parsons

Appendices

Appendix A – Location Plan

Appendix B – Current Licence

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News Shop Express/First Stop Express

Date: 15/06/2017



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This Licence is Issued by



SC/17/00365/LVDPS

Premise Licence

Licensing Act 2003

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

News Shop Express
5 London Road, Shrewsbury, Shropshire, SY2 6NN

Where the licence is time limited, the dates

Not applicable

The opening hours of the premises

Monday to Sunday 08:00 - 21:00

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply of Alcohol
Monday to Sunday 08:00 - 21:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of premises licence holder

Mr Tajinder Singh

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 Tajinder Singh

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: WN/05/004094

Issued by: Wolverhampton Metropolitan Borough Council

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

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

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;
- (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.

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. There will be fully comprehensive ongoing, documented training to include regular refresher training and changing legislation updates for all staff;
2. All training records will be retained and available on site for inspection.

Prevention of Crime & Disorder

1. CCTV will be in operation on the premises with images being retained for thirty one days;
2. Staff will be trained in the usage and chronicled storage off CCTV.

Public Safety

Fire fighting equipment will be maintained on the premises.

Prevention of Public Nuisance

All staff will be vigilant in relation to any litter issues.

Protection of Children From Harm

1. A Challenge 25 Policy will be in place and its strict compliance including bespoke signage will be utilised;
2. The only acceptable forms of identification will be passport, photocard driving licence and PASS approved cards;
3. A sales refusal and incident book will be fully maintained and available for inspection;
4. The appropriate signage will be displayed in respect of CCTV being active on the premises, no sale to under 18's for solvents and the challenge 25 policy;
5. Alcohol displayed will not be obstructed from the view of the sales assistants;
6. Non-alcoholic soft drinks, crisps and confectionery will be situated away from the alcohol display area.

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

Not applicable

Annex 4 – Plans

Plan reference and date: Drawing Number: 080.047.01 Dated: January 2013

Licensing Team, Public Protection, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire SY2 6ND
www.shropshire.gov.uk 0345 678 9026

This Licence is Issued by



SC/17/00365/LVDPS

Premise Licence Summary

Licensing Act 2003

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

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Monday to Sunday 08:00 - 21:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption off the premises

Name, (registered) address of premises licence holder

Mr Tajinder Singh
Bank Top Off Top Road, Alton, Trussell, Stafford, ST17 0RQ

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 Tajinder Singh

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