

## LICENSING ACT 2003

### APPLICATION FOR A REVIEW OF A PREMISES LICENCE

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#### 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 12<sup>th</sup> March 2013 (Premises Licence Number PL/SC/27819). Mr Tajinder SINGH is both the Premises Licence holder and the Designated Premises Supervisor (as of 20<sup>th</sup> February 2017)
- 6.3 The Applicant carries out routine underage sale test purchases at licensed premises across Shropshire. On 31<sup>st</sup> August 2016 an underage tobacco test purchase was carried out during which a 16 year old was sold tobacco. On the 9<sup>th</sup> 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 2<sup>nd</sup> February 2017 or hold until the 20<sup>th</sup> 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