

# **SHOPSHIRE COUNCIL**

## **LICENSING ACT SUB-COMMITTEE**

**Minutes of the meeting held on 7 July 2014**

**2.00 - 3.30 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND**

**Responsible Officer:** Emily Marshall

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### **Present**

Councillor

Councillors Joyce Barrow, Peter Cherrington and Jon Tandy

### **10 Election of Chairman**

RESOLVED:

**That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.**

### **11 Disclosable Pecuniary Interests**

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

### **12 Application for a Review of a Premises Licence - Greenfields Convenience Store, Wood Street, Shrewsbury**

Consideration was given to an application for a Review of a Premises Licence in respect of Greenfields Convenience Store, 41 Wood Street, Shrewsbury, SY1 2PN.

Ms. Louise Prince (Solicitor – Shropshire Council), Mr G. Bhakar (The Licence Holder); Mr M. Atif (Licence Holders Representative); Mr G. Tunnadine (Team Manager – Investigations); Mr A Bishop (Public Protection Officer – Professional, Shropshire Council) and Mr S. Ditton (Public Protection Officer - Specialist); were present.

Mr G Tunnadine (Applicant) addressed the Sub-Committee, advising that he had made the application for a review of the Premises Licence of Greenfields Convenience Store on the grounds that the current operation of the premises undermined the Protection of Children from Harm Licensing Objective. The Team Manager - Investigations summarised the circumstances that had led him to submit an application for a review of the premises licence.

In response to questions from the Licensing Holders Legal Representative and Members of the Sub-Committee the Team Manager – Investigations confirmed that;

- On 21<sup>st</sup> February, the Licence Holder was not visible at premises, when the underage sale was made;
- He was not aware of any other underage sales that had taken place since the Premises Licence had been issued to Mr Bhakar;
- He had no information as to whether appropriate signage had been displayed on 21<sup>st</sup> February 2014 and on 14<sup>th</sup> March 2014 the signs had been taken down;
- The last visit to the premises had been on 20<sup>th</sup> May 2014;
- It was acknowledged that since the visit on 20<sup>th</sup> May a refusals log had been kept and that prior to that a note of refusals had been kept on pieces of paper and then transferred to a diary, however Trading Standards were not able to see this diary.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for the review had been accepted as a valid application.

The Licence Holder addressed the Committee, explaining that he had been a Licence for three years at a premises in Telford and for twelve months at his current premises, during this time there had been no issues. He was fully aware of his current licensing requirements and following the failed test purchase he had made improvements to the running of the premises, including being at the premises full time, installing an upgraded CCTV system and the purchase of additional signage.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 15:13 a.m. and reconvened at 15:30 a.m. to announce their decision.

#### **RESOLVED:**

1. That the Premises Licence be suspended for a period of three months.
2. That the following Conditions (recommended by Trading Standards) be added to the Premises Licence;
  - i) The designated premises supervisor authorisation to enable staff to sell alcohol at the premises to be recorded in writing.
  - ii) 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.
  - iii) 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 ii and iii above to be read in conjunction with general conditions 1 and 2 currently found in Appendix 2 of the premises licence)

iv) 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 (November 2014 to October 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.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

**Reason:**

The Sub-Committee had read all of the submitted documents and considered all the representations made by the parties, at the hearing.

The Sub-Committee had also taken into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

Members found the allegations concerning underage sales to have been made out (indeed the allegations were not denied by the licensee). They considered the failures of the licence holder in relation to underage sales and lack of properly working CCTV to be serious.

The reasons given for the incidents by the licence holder's representative were taken into account, in particular that the individuals who purchased the alcohol appeared to be older and their ages were misjudged by the staff and the licence holder and that there were issues with the recording facilities of the CCTV.

Members noted that the licence holder had provided some training for all staff (including himself) in relation to underage sales, that an appropriate refusals log was now being used and that new signs had been placed around the premises. Members also noted that the licence holder had installed 8 new CCTV cameras with functioning recording facilities.

Members considered revocation of the premises licence. However the sub-committee decided that in the present circumstances a suspension of the premises licence, with extra conditions being added to the licence would be an appropriate course of action. By suspending the licence, the licence holder would then have the opportunity to ensure that all staff are adequately trained to prevent further breaches.

The Sub Committee considered, in order to enforce the licensing objective of protection of children from harm, the decision to be necessary and proportionate, having considered the serious nature of the breaches of the licensing conditions. By suspending the licence, the licence holder would then have the opportunity to ensure that all staff are adequately trained to prevent further breaches.

Signed ..... (Chairman)

Date: .....