



Licensing Act Sub-Committee

13<sup>th</sup> 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)  
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#### 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 8<sup>th</sup> 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 3<sup>rd</sup> 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