

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 April 2015

10.00 - 11.11 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present

Councillors Vernon Bushell, Peter Cherrington and Jon Tandy

31 Election of Chairman

RESOLVED:

That Councillor Peter Cherrington be elected Chairman for the duration on the meeting.

32 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.

33 Application for a Review of a Premises Licence - Greenfields Convenience Store, 41 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.

Ms Louise Prince (Shropshire Council Solicitor), Mr Simon Ditton (Shropshire Council's Public Protection Officer Specialist), Mr Grant Tunnadine and Ms Charlotte Smith (Shropshire Council Trading Standards), Mr Gurmale Bhakar (Licence Holder), Ms Jackie Eyton (Licence Holders Representative), Mr M. O'Grady (Representing the Licence Holder) and Mr Steven Gibbs (former employee of Greenfields Convenience Store).

Mr Tunnadine (Applicant) presented his case to the Sub-Committee. Mr Tunnadine explained that the Licence had been subject to a review by the Licensing Act Sub-Committee on 7th July 2014 as a result of two underage alcohol sales, since that time a further underage sale had been made by Mr Gibbs. Other breaches of the premises licence conditions were outlined.

Mr Simon Ditton, Public Protection Officer presented his case to the Sub-Committee, confirming that the application had been accepted as a valid application and no other representations had been received in response to the application.

Ms Jackie Eyton, (Licence Holders Representative) presented the case to the Sub-Committee, explaining that although Mr Bakhar accepted responsibility for the failure to comply with the licence, there were exceptional circumstances that had meant that he was not able to spend time at the premises and had relied more upon his staff, particularly Mr Gibbs. Mr Bakhar's financial circumstances meant that he was not in a position to employ additional staff. The premises closed at the end of January 2015 and remained closed. The shop was under new ownership, and an application to transfer the premises licence and responsibility as designated premises supervisor was pending the outcome of the review hearing. Ms Eyton went on to explain the circumstances that had led to the other breaches of the licence conditions.

In response to questions from the Trading Standards and members of the Sub-Committee, the Licence Holder confirmed the following:

- Due to poor health he was unable to fulfil his duties as Designated Premises Supervisor and so he relied heavily on Mr Gibbs;
- A lapse in concentration had meant that Mr Gibbs had failed to challenge the volunteer for ID which resulted in the failed test purchase;
- He thought that Mr Gibbs, who was a more experienced member of staff had learnt from his mistake and therefore was unlikely to make an underage sale again;
- The CCTV system was initially being checked each month by the Licence Holder, until recently when this duty had been left to Mr Gibbs; and
- A fault on the hard drive of the CCTV system meant that recordings were not available.

The Chairman invited all parties to sum up and make any final comments before retiring to make their decision.

Members of the Sub-Committee retired to consider the application, in private, at 10.50 a.m. and reconvened at 11.10 a.m. to announce their decision.

RESOLVED:

That the Premises Licence for the Greenfields Convenience Store be revoked, with immediate effect.

Reasons:

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

The Sub-Committee had taken into account the representations made by the Licence Holder and in particular his ill health and financial circumstances however, they were disappointed to note that the Conditions added to the licence had not been adhered to following the previous review hearing.

The Sub-Committee were concerned that a failure to revoke the licence would not guarantee a change in the management of the premises and therefore a change in the culture of the business and could lead to the continuation of underage sales.

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.