



Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 2 August 2023
Committee Members present:	Councillor Matthew Lynch (Chair), Councillor Michelle Le Marinel (Vice-Chair) and Councillors Dedrah Moss
Officers:	Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.15 Declarations of Any Interests

There was no declarations of interest.

20.16 Procedure

The Chair outlined the procedure to be followed.

20.17 Determination of Application to Review a Premises Licence- Greenwoods General Store

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee advising members an application to review a premises licence in respect of Greenwoods General Store, 88 Seymour Street, Chorley had been received from Lancashire Constabulary.

The applicant, PC Stephen Connolly, representing Lancashire Constabulary, Mr. Jason Middleton representing Lancashire County Council Trading Standards and Mr. Nathan Howson, Enforcement Team Leader (Licensing) were in attendance.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), Mr. Paviter Singh and his representative, Mr. Glenn Smith were also in attendance.

Presentation of the Report

Mr. Nathan Howson, Enforcement Team leader (Licensing) presented the committee report which gave details of an application received on 13 June 2023 from Lancashire Constabulary requesting a review of the premises licence.

The premises had benefitted from a licence since the old Justices' licence was converted and had been transferred and the DPS varied a number of times since. The licence was transferred into the current licence holder's name on 13 February 2019.

The Enforcement Team Leader (Licensing) explained the premises is an end terrace property, sitting on the corner of the junction of Seymour Street with Brighton Street with the premises surrounded on all sides by high-density residential properties.

The application to review, received from PC 6884 Connolly, for and on behalf of the Chief Constable of Lancashire Constabulary was concerned with the licensing objectives of The Prevention of Crime and Disorder and The Protection of Children from Harm being undermined at the premises.

The premises had failed two test purchases, with a trimming knife being sold to 13 and 15-year-old test purchasers on 17 May 2023 and alcohol being sold to 16 and 17 year old test purchasers on 2 June 2023.

The application was advertised in accordance with the regulations, a notice was displayed at the premises, at the Council Offices and a copy of the application published on the Council's website for the whole 28-day consultation period. During this period and on 3 July 2023, additional documents were provided by PC Connolly to support his application.

On 11 July 2023 a representation was received from Mr Jason Middleton, Principal Officer Alcohol and Tobacco of Lancashire County Council. This representation related to the prevention of crime and disorder and protection of children from harm licensing objectives.

Representations made by the applicant

Before introducing his application, PC Connolly made reference to the fact that within 0.5 miles of the premises there were three schools, a mixture of primary and secondary providers.

PC Connolly explained that the premises was first subject to a test purchase on 17 May 2023 as part of Operation Sceptre. Mr. Singh was the cashier that evening and sold a trimming knife to a 13 and 15 year old. PC Connolly gave a brief explanation of what a trimming knife is and explained the damage that such a blade could cause.

Following the test purchase, the premises was visited by Trading Standards and advice was given to the PLH. PC Connolly attended the premises again on 30 May, in conjunction with Trading Standards as there was concerns over the legitimacy of some of the vodka behind the counter, an inspection was carried out with several bottles of vodka seized. During the inspection, Officers discussed training with the member of staff working who advised he had done an online course for age related sales but had no documentation or paperwork relating to it.

A further multi agency test purchase was undertaken on 2 June 2023 where the premises sold a 17 year old test purchaser four cans of lager. Officers attended the premises and issued the staff member with a fixed penalty notice of £90. The body cam footage from the test purchase was played to the committee.

PC Connolly highlighted on the footage the staff member said, "Pav, I have done what you have done" which implied the cashier was aware they had failed a test purchase previously. It was his view that two failed test purchases within a short period of time brought significant concern.

An application to review the premises was submitted and Lancashire Constabulary requested the sub-committee to consider the application of new conditions to the licence and a six week suspension, which would give the licence holder time to implement new procedures.

The Sub-Committee then put questions to PC Connolly, his responses were as follows:

- The 17 year old male test purchaser completed the transaction
- There was no challenge from the cashier when the test purchaser was carrying out the purchase, on the unredacted video the cashier does not even look at the purchaser
- The bladed articles are kept on display towards the back of the shop, with access for all

Representations made by Responsible Authorities

Mr. Middleton, on behalf of Lancashire Trading Standards provided some context as to his role and how compliance was ensured in businesses. Test purchases were undertaken frequently and the individuals used for purchases were usually aged between 14-16. They are asked not to dress or make themselves appear older than they are. The test purchases are also told if they are asked for their age, not to lie. Likewise, if they are asked for ID the test purchaser is to reply honestly.

On 17 May 2023 as part of a nationwide campaign, test purchasing for knives was undertaken. Two test purchasers were sent into the premises and were sold a trimming knife by the PLH, Mr. Singh. An officer from Trading Standards was in the shop at the time and witnessed the sale. Officers attended the premises after the failed test purchase with Police and gave the PLH advice and a knife pack containing paraphernalia relating to the age related sales.

On 25 May, Officers from Trading Standards purchased a bottle of Gorlovka vodka from the shop. The same day Trading Standards, Lancashire Police and Chorley Council Licensing inspected the premises. Four bottles of Gorlovka vodka and three bottles of Au Vodka were seized from the shop due to the bottles possessing the wrong type of duty stamp on the product, indicating that they were non-duty paid. 177 non-compliant e-cigarettes were also seized. The vodka was analysed and the AU Vodka was found to contain less alcohol than declared on the bottle.

Following the incident with the vodka, Mr. Singh was interviewed under caution. He advised Officers that he had bought the vodka off a man who turned up to the premises in a white van whilst the cigarettes were bought from a wholesaler in Cheetham Hill. It was Mr. Middleton's view that Mr. Singh was open and honest during his interview.

Mr. Singh had claimed to have carried out training after the test purchases and had now shown a refusal log and policies to Officers. Although they had not been provided with a historical refusal log, showing refusals prior to the test purchases.

In response to a question from PC Connolly, Mr. Middleton confirmed that Mr. Singh was given a warning letter following his interview and signposted to details of how he could give staff training on Challenge 25.

Representations from the Licence Holder and Representative

Mr. Smith, on behalf of the PLH, explained that Mr. Singh had been open and honest throughout the process and there had been significant issues that arose in a short period of time at the premises. It was his view that Mr. Singh had not shied away from this or tried to pass responsibility to others. Prior to this there had been no previous incidents.

Members asked Mr. Singh if he could give an explanation as to why he thought it was appropriate to sell the knife and not ask for ID. In response, Mr. Singh explained that he had asked the test purchaser for their age and he said sixteen, but his mind went blank and he fulfilled the sale.

Members asked Mr. Middleton if this account correlated with what his Officer had seen. Mr. Middleton explained the test purchaser was only 15 so why he said 16 he did not know, he was not aware the test purchaser was asked for their age.

In response to a member enquiry, Mr. Singh confirmed that members of his staff had previously been trained on challenge 25 verbally but now they had done formal training and received certificates. When prompted, they would do refresher courses.

PC Connolly asked the PLH why he had not undertaken training following the first failed test purchase. Mr. Singh advised the shop was undergoing a refit and he had not thought about training staff. Mr. Singh accepted that if he had provided training after the knife test purchase the likelihood of failing a second test purchase would have dropped.

Summing up

PC Connolly explained that there were failings with the premises in respect of irresponsible training and criminal offences and requested that the sub committee suspend the licence for six weeks and impose the new conditions. It was his view that this would give Mr. Singh time to put processes in place and show commitment to the licensing objectives. The Police had not asked for revocation of the licence as it was felt that suspension would be more appropriate whilst conditions are adopted.

Mr. Middleton echoed the words of PC Connolly and explained they did not want to see premises fail test purchases and was disappointed the premises had failed on two occasions. The premises needed to implement robust Challenge 25 checking and staff training.

Mr. Smith on behalf of the PLH, explained that the incidents had been heard in some detail. He would implore Mr. Singh to learn from his mistakes. No previous incidents had come before sub-committee and it was a matter of proportionality and for Mr.

Singh to learn from previous failings and ensure he would be compliant moving forwards.

Members asked the representative if the PLH was happy with the proposed conditions. In response, Mr. Smith said yes, Mr. Singh understood the conditions and proportionality of them and would comply.

Decision

After careful consideration the Sub-Committee resolved:

1. to suspend the premises licence for a period of six weeks, and
2. To modify the conditions of the licence by:
 - a. Omitting the conditions currently imposed at Annex 2, and
 - b. Adding the following conditions at Annex 3:
 - i. The premises shall operate and maintain a CCTV system which shall be in use at all times licensable activities are being carried on and which complies as follows:
 - The system shall cover all entrances and exits from the premises, in addition to covering all internal areas of the premises used to display/supply alcohol.
 - The focus of the camera(s) shall be to enable clear identification of persons on the premises.
 - The system will be capable of time and date stamping recordings and retaining said recordings for at least 28 days.
 - The Data Controller shall make footage available to a Police Officer or authorised officer, where such a request is lawfully made
 - Signage advising that CCTV is in operation will be displayed.
 - ii. A documented Challenge 25 Scheme will be the adopted Age Verification Policy. The Challenge 25 Scheme will be actively promoted and advertised at the premises. Any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person. Acceptable forms of identification shall be:
 - A PASS accredited holographic proof of age card
 - Photo Driving Licence
 - Passport
 - National, including EU Identity Cards
 - iii. An electronic point of sale (ePOS) system shall be installed at the premises which shall be used to record all transactions. Each cashier shall have a login which is unique to them. This system shall:
 - Record the accurate time and date of any transaction,
 - Record the cashier dealing with the transaction,

- Display a prompt when any age-restricted product is scanned which requires the cashier to confirm whether the purchaser clearly appears over 25 years of age or not,
 - Where the staff member selects that the purchaser does not appear over 25, it shall record what identification document has been used to verify the person's age, in accordance with the Check 25 policy,
 - Where the sale of an age restricted product is refused, this and the reasons for such a refusal shall be recorded.
- iv. At commencement of employment all members of staff must undergo training in relation to the check 25 policy and the sale of alcohol to drunk persons. All staff must undergo refresher training at least once every 6 months. All training must be held in writing at the premises for at least 12 months and made available for inspection to Responsible Authorities upon request.
- v. An incident log shall be kept on the premises which shall be used to record any notable incidents, such as a report of crime or disorder. All entries in the log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The DPS shall inspect the log at least once every two weeks and record with signature the date which the inspection took place.
- vi. Any person who is authorised by a personal licence holder to sell alcohol under the premises licence shall be authorised in writing. Such authorisation shall include, as a minimum, the name and signature of the person being authorised, the name and signature of the personal licence holder and the date of the authorisation. The log of persons authorised shall be kept up to date and on the premises and shall be produced to a responsible authority on reasonable request.
- vii. The premises shall not stock nor offer for sale any article which has a blade or is sharply pointed.

The reasons are as follows:

1. The unlawful sale of the alcohol and a trimming knife to minors undermines the licensing objectives of the protection of children from harm and prevention of crime and disorder.
2. A trimming knife is capable of being a serious offensive weapon if in the wrong hands.
3. Mr Singh was first visited by the police in February 2019 and needed to be given words of advice about the lack of a refusals register but evidently this was not heeded. It was clear therefore that a mere warning to the Premises Licence

Holder would not be sufficient.

4. The failed test purchases pointed to poor supervision and training of staff and the account of PC Connolly contains evidence of lack of proper training of staff. Mr Singh admitted to selling the trimming knife where the young person stated that they were 16 years old.
5. The first entry on the refusals register produced by Mr Singh at his interview was dated 4 June 2023 which suggested to members that there were no refusals register before this date despite Mr Singh's claims to the contrary.
6. It was noted that Mr Singh had completed training in early June 2023. However, this was apparently in response to the failed test purchases in May and not because of any proactive management by the Premises Licence Holder.
7. The offering for sale of non-duty paid alcohol which also contained misleading labels about the amount of alcohol undermined the licensing objective of the prevention of crime and disorder.
8. The lack of due diligence concerning the purchase of the vodka admitted by Mr Singh in his interview under caution was evidence of his carelessness in sourcing alcohol and consequently his irresponsibility in its retail to the public.
9. Mr Singh had admitted under caution that he was aware that the e-cigarettes seized could not lawfully be sold which undermined the prevention of crime and disorder objective.
10. The conditions attached to the current premises licence at Annex 2 are not appropriately worded and are not enforceable.

Chair

Date