



Licensing Act 2003 Sub- Committee

Agenda and Reports

For consideration on

**Wednesday, 21st September
2011**

In Committee Room 1, Town Hall, Chorley

At 2.00 pm

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12 September 2011

Dear Councillor

**LICENSING ACT 2003 SUB-COMMITTEE - WEDNESDAY, 21ST
SEPTEMBER 2011**

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in Committee Room 1, Town Hall, Chorley on Wednesday, 21st September 2011 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**
2. **Declarations of Any Interests**
3. **Procedure for Review of Premises - Hearings (enclosed) (Pages 1 - 4)**
4. **Application for review of licence - T & S Convenience Store, 76 - 78 Market Street, Chorley (Pages 5 - 50)**

To consider the enclosed report of the Director of People and Places.

5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

Dianne Scambler
Democratic and Member Services Officer
E-mail: dianne.scambler@chorley.gov.uk
Tel: (01257) 5151034
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor (Chair) and Councillors Keith Iddon, Doreen Dickinson and Steve Murfitt for attendance.
2. Agenda and reports to Bob Beeston (Public Protection Officer), Stephen Culleton (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer) for attendance.
3. Agenda and reports to Zeynab Patel (Solicitor) Legal Services for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

CHORLEY BOROUGH COUNCIL**LICENSING ACT 2003****SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use it's best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the licensing authority “considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE**REVIEW OF PREMISES LICENCE****1. CHAIR OF SUB-COMMITTEE**

- Opens meeting
- Introduces Members and Officers
- Confirms details of all parties in attendance
- Outlines procedure to be followed

2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS**3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:**

- Sub Committee
- Applicant (Lancashire Police)
- Relevant representations – interested parties
- Premises Licence holder or representative

4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION (LANCASHIRE POLICE)**5. QUESTIONS TO THE APPLICANT AND WITNESSES (LANCASHIRE POLICE) FROM:**

- Sub Committee
- Relevant representations – interested parties
- Premises Licence holder or representative.

6. RELEVANT REPRESENTATIONS – INTERESTED PARTIES**7. QUESTIONS TO THE RELEVANT REPRESENTATIONS – INTERESTED PARTIES FROM:**

- Sub Committee
- Applicant or representative (Lancashire Police)
- Premises Licence holder or representative

8. PREMISES LICENCE HOLDERS REPRESENTATIONS

- Premises Licence Holder (or representative) will present their case

9. QUESTIONS TO THE PREMISES LICENCE HOLDER AND WITNESSES FROM:

- Sub Committee
- Applicant or representative (Lancashire Police)
- Relevant representations – interested parties

10. APPLICANT OR REPRESENTATIVE TO SUM UP (LANCASHIRE POLICE)**11. RELEVANT REPRESENTATIONS – INTERESTED PARTIES TO SUM UP**

12 **PREMISES LICENCE HOLDER OR REPRESENTATIVE TO SUM UP**

13 **DECISION MAKING**

- All parties retire whilst Sub-Committee makes decision

14 **NOTICE OF DECISION**

- Parties re-admitted and Chair announces decision and reasons

Report of	Meeting	Date
Director of People and Places	Licensing Act 2003 Sub - Committee	21 September 2011

APPLICATION FOR A REVIEW OF A LICENCE IN RESPECT OF T & S CONVENIENCE STORE 76 – 78 MARKET STREET CHORLEY PR7 2SS MADE UNDER SECTION 52 OF THE LICENSING ACT 2003

PURPOSE OF REPORT

1. To enable Members to determine an application for a review of a licence in respect of the premises known as T & S Convenience Store 76 – 78 Market Street Chorley PR7 2SS.

RECOMMENDATION(S)

2. Members are asked to consider the details contained in the report and any representations made by the applicant and/or his representative Lancashire Constabulary and Lancashire County Council Trading Standards Service.

EXECUTIVE SUMMARY OF REPORT

3. The Licensing Authority has received an application served under the Licensing Act 2003 Section 51 by Lancashire Constabulary and Lancashire Trading Standards to review the premises licence for T & S Convenience Store 76 – 78 Market Street Chorley PR7 2SS. The hearing is convened under Section 52 of the Licensing Act 2003.
4. In accordance with section 51(3) of the Act, the relevant notices detailing the aforementioned grounds for review were displayed on the premises giving interested parties the right to make representations regarding the application for review and be available to view in full at the Council Offices. The premises licence holder has also received a copy of the review application.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. Not applicable

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. Not applicable

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean	

		Neighbourhoods	
Safe Respectful Communities	X	Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

8. On 11th August 2011 an application for a review of the premises licence was received from Lancashire Constabulary and Lancashire Trading Standards acting as responsible authorities.
9. A brief outline of the grounds for the review are as follows and made under the headings of 'The prevention of Crime and Disorder' and 'The Protection of Children From Harm'.
10. The grounds for the review are that the premises have failed a Trading Standards purchase where a member of staff sold alcohol to a person under 18. Further investigation by the Police and Trading Standards officers into why the sale took place showed that the member of staff had not received the required training and that the premises had therefore breached a number of conditions on its licence. The conditions that had been breached were imposed as a result of a review hearing to try and prevent test purchase failures. It is clear to both the Police and Trading Standards officers that despite having given the premises the opportunity of improving its operation the premises licence holder and DPS have failed in this regard and as such both the Police and Trading Standards feel that revocation of the licence is now the only option. A copy of the requests for a review of the premises licence is attached to this report at Appendix (A)
11. Lancashire Constabulary submitted additional documentation with the request for a review of the premises licence, those documents are:- A copy of the consent order at Appendix (B) A copy of the refusal register at Appendix (C) DVD footage from the premises at Appendix (D) A document outlining CCTV comparisons and a copy of the refusal register showing relevant entries at Appendix (E) A document outlining premises licence breaches at Appendix (F)
12. Lancashire Trading Standards Service have submitted documents in support of the request for a review of the premises licence those documents are – A witness statement from Carol Ann Cartwright, a Trading Standards officer at Appendix (G) A record of a taped interview of Tahir Badat at Appendix (H)
13. The premises licence holder is Mehboob Patel and Suhail Patel. A copy of the premises licence is attached at Appendix (I)
14. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under Section 182 of the Act.
15. As Members will be aware the four licensing objectives are as follows –
 - a. The prevention of crime and disorder
 - b. Public safety
 - c. Prevention of public nuisance
 - d. The protection of children from harm.
16. Section 51 of the Licensing Act 2003 provides that where relevant representations are received the Licensing Authority must hold a hearing to consider them.

17. The Licensing Authority in determining the application, having had regard to the representations and Section 52 of the Licensing Act 2003 may take the following steps it considers is necessary for the promotion of the licensing objectives.
 - i) To modify the conditions of the licence
 - ii) To exclude a licensable activity from the scope of the licence
 - iii) To remove the designated premises supervisor
 - iv) To suspend the licence for a period not exceeding 3 months
 - v) Revoke the licence
18. Members must have regard to the Statement of Licensing Policy when determining this application. In particular, member's attention is drawn to the following paragraphs:
19. **Paragraph 1.3** The policy provides guidance on the general approach the Council, as Licensing Authority, within the meaning of the Act, will take in terms of licensing. However, each application will be considered separately, on its individual merits.
20. **Paragraph 1.4** The Statement of Licensing Policy sets out how the licensing objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.
21. **Paragraph 2.5** Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.
22. **Paragraph 2.6** The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

CRIME AND DISORDER

23. **Paragraph 6.1** Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.
24. **Paragraph 6.4** The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.
25. **Paragraph 6.5** The promotion of the crime and disorder-licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.

REVIEWS

26. **Paragraph 41.1** The Act 2003 makes provision for the review of premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
27. **Paragraph 41.2** At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
28. **Paragraph 41.1** The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.
29. The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.
30. **Paragraph 41.11** The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.
31. The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
32. **Paragraph 41.12** In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
 - no action necessary as no steps required to promote the licensing objectives;
 - issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - excluding a licensable activity from the licence;
 - remove the designated premises supervisor,
 - suspend the licence for a period of three months;
 - to revoke the licence.
33. **Paragraph 41.13** The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

HUMAN RIGHTS ACT IMPLICATIONS

34. The Human Rights Act 1998 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and family life;
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

There is a right of appeal to the Magistrates Court within 21 days from the date of receipt of the notification of the decision.

IMPLICATIONS OF REPORT

This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert William Beeston	5726	18/8/2011	***

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Sergeant 1506 Bushell

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description T & S Convenience Store 76-78 Market Street	
Post town Chorley	Post code (if known) PR7 2SS

Name of premises licence holder or club holding club premises certificate (if known) Mr Mehboob Patel / Mr Suhail Patel

Number of premises licence or club premises certificate (if known) PL(A) 0229

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Bushell Licensing Manager Lancashire Constabulary Southern Division Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises has failed a Trading Standards test purchase operation where a member of staff sold alcohol to a person under 18. Further investigation by the police and trading standards officers into why the sale took place showed that the member of staff had not received the required training and that the premises had therefore breached a number of conditions on it's licence.

The conditions that had been breached were imposed as a result of review hearing to try and prevent test purchase failures. It is clear to both the Police and Trading Standards officers that despite having given the premises the opportunity of improving it's operation the premises licence holder and DPS have failed in this regard and as such both the Police and Trading Standards feel that revocation of the licence is now the only option.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 26th August 2010 the Police submitted an application for a review of the premises licence. The review arose as a result of a number of failed test purchase operations and the sale of alcohol from the premises which was leading to anti social behaviour in Chorley Town Centre. This review was supported by Lancashire Trading Standards and was heard by the Licensing Committee on 20th October 2010, where after hearing evidence from all parties the committee revoked the premises licence.

The Premises licence holder subsequently submitted an appeal application to Chorley Magistrates against the revocation of the licence. The appeal hearing was listed for hearing on 16th March 2011. In the meantime the premises was able to continue trading.

A case management hearing was held at Chorley Magistrates Court on 10th January 2011, where the applicant attended with their legal representation instructed by "Licensing Matters" Consultancy.

It transpired that "Licensing Matters" were now working with the premises providing a comprehensive training package, instruction and documentation in order to prevent any further underage sales. After some debate between the legal representatives from the Council, those representing the premises and the police it was felt that the appeal could be resolved by the imposition of conditions on the licence. This decision was not taken lightly but heavily influenced by the fact that "Licensing Matters" would be involved.

The police then drew up a list of conditions that were to be under-pinned by the training provided by "Licensing Matters" and these were agreed with the Premises Licence Holder.

At the appeal hearing a consent order, drawn up by the premises, was presented to the Magistrates containing the list of conditions with the request that they be imposed onto the licence. The order was signed by all parties to the appeal and a copy is attached to this review at No 1.

Although the consent order was agreed and would effectively come into force at that time the premises had apparently been let down by the CCTV engineer in installing the audio equipment. The premises stated it would be done, so an agreement was made that the consent order would be suspended for 10 working days to allow the system to be upgraded to the required standard.

At 11.50 hrs on Tuesday 29th March 2011 police, in company with council officers, attended the premises to check the CCTV system was operating as per the licence condition. Tariq Patel, the son of the DPS and the person responsible for previous test purchase failures, was in the shop and demonstrated the system which appeared to be operating to the satisfaction of the police.

Tariq was spoken to and informed that the conditions in the consent order were now in force. It was reiterated to him that there was now a need to move forward and ensure that he and his staff were robust in challenging persons who appeared underage. Tariq stated that he would be a lot stricter where this was concerned.

On the evening of Friday 27th May 2011, Trading Standards Officers conducted a test purchase operation in Chorley. It was decided that one of the target premises should be T & S Convenience Store as this was the first opportunity, since the appeal, to test whether the new procedures were working.

About 7pm that night a 15 year old male was sent into the premises, whilst in there he was sold a bottle of wine by the member of staff working behind the till. At no time was the male challenged about his age or asked for any identification. This was the only sale made to this volunteer that evening despite having visited a number of other licensed premises.

The details of the staff member Tahir Badat were obtained after the sale and a few days later CCTV footage of the sale was seized from the premises. It was also discovered that the staff member who had made the sale had now been sacked.

Arrangements were made between the Police and Trading Standards to interview the seller, however it was felt that the reason for the failure needed to be established. The main question being whether or not the staff member had been trained as specified in the conditions of the licence.

At 14.45 hours on Monday 11th July 2011, Police, Trading Standards and Council officers attended the premises where they spoke with both Mehboob Patel and Tariq Patel. They were asked if there were any training records for the staff member they both said there wasn't any.

Both were then cautioned and it was explained that if there were no training records then they would be committing offences under the licensing act as they were failing to comply with the conditions on their licence.

After caution it was then confirmed that no training had taken place and therefore no records existed, Mehboob stated that they did not do any staff training until they were permanent members of staff and Tariq confirmed the male had only worked there for 3 weeks, again confirming that no training had been provided.

It was pointed out that they were in breach of the conditions on the licence, details were also obtained of another member of staff working in the shop at the time this visit was taking place.

It was further confirmed that this member of staff had not received any training and in fact there were no records of any training provided for any members of staff.

A check was then made of the refusal/incident book at the premises to ensure that this was being completed in accordance with the licence condition.

Upon examining the book, which had clearly been provided by "Licensing Matters" it showed that the first entry was made on 18th February 2011, there were 32 entries until 27th March. A further 2 entries on 11th and 13th May, 2 entries on 3rd and 6th June and then entries on 1st, 4th, 6th and 8th May. The entries in the book were not comprehensive nor did they comply with the example entry in the front. It was in fact suspected that some of the entries were being made by a member of staff behind the counter whilst officers were in the storeroom.

Tariq was then asked to show the CCTV footage corresponding to a number of entries in the book, 4 separate entries were checked all of which seemed to indicate that the entries were not true accounts of challenges made.

It was clear that the refusal book was not completed to the satisfaction of the Police so it was seized as evidence and a copy is attached to this review at No 2.

Due to this a request was made to provide the police with footage corresponding to all the challenges made during July. After a number of requests for the footage it was

eventually supplied on 21st July . A copy of this footage on DVD is attached to this review at No 3.

This footage has been checked against the entries in the refusal register and there have been a number of discrepancies highlighted. These have been documented and a copy is attached to this review at no 4.

Mehboob and Tariq were asked to identify some of the signatures against entries in the refusal book and it was quite apparent they were unable to do so.

IAt 09:00 hrs Monday 18th July Police and Trading Standards conducted a tape recorded PACE interview with Badat. Whilst under caution Badat admitted selling the alcohol to the male and accepted that the male was underage. He was asked if he had been given any training. He stated that Mehboob Patel had explained to him the procedures for using the till and other aspects in running the store. There was mention of checking the age of persons buying alcohol and that he was given a book which explained about underage sales. Badat confirmed that he had not been given any formal training by anyone at the shop and admitted he had only briefly looked at the book. He further stated that he had never had his knowledge of the book tested nor had he signed any training documents. Badat did confirm that Mehboob Patel said he would put him on the course after a number of weeks if he was still at the store.

As a result of all the above information arrangements have been made to interview Mehboob Patel under caution with a view to instigating criminal proceedings under the Licensing Act 2003.

It is clear that there have been breaches of the conditions attached to the premises licence despite assurances given at the appeal hearing that they would make vast improvements to their operation.

A document outlining the breaches in detail is attached to this review at No 5.

The Police and Trading Standards now believe that having been given a second chance Mehboob Patel has demonstrated his inability to run a licensed premises, despite comprehensive guidance from licensing professionals and therefore they request that the premises licence be revoked.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

2	6	0	8	2	0	1	0
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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

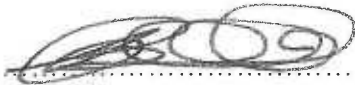
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

11th August 2011.

Capacity Southern Division Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As Above

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing Manager
Chorley Borough Council
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

Phone: 01772 534373
Fax: 01772 533843
Email: David.johnnie@lancashire.gov.uk

Your ref:
Our ref: DJ/T&S Convenience Store
Date: 8 September 2011

Dear Sirs

Re: Application to review premises licence of T & S Convenience Store (Best One) 76-78 Market Street Chorley PR7 2SS (Mr Mehboob Patel/Mr Suhail Patel).

I am writing with reference to the above premises and with specific reference to a joint application to review the premise license submitted by Sergeant 1506 Anthony Bushell on behalf of Lancashire Constabulary. The substance of this letter is to confirm full and unequivocal support for the submission to revoke the premises licence for the following reasons by way of background:-

- On 5 June 2010 a Trading Standards test purchase operation was conducted in the Borough of Chorley. T&S Convenience Store (Best One) located at 76-78 Market Street Chorley was targeted for a test purchase visit.
- A 14 year old girl volunteer was instructed to attempt to purchase tobacco. She was instructed to answer truthfully if challenged as to her age or whether she could provide acceptable proof of age.
- A sale of a packet of 10 Lambert and Butler Kingsize Cigarettes was made. At no point was the female volunteer asked her age nor was she asked to provide proof of age.
- Subsequent investigation revealed that the seller Tariq Patel is the son of Mehboob Patel the Designated Premises Supervisor for the premises at the time of the sale.
- During the course of the investigation it transpires that the premises purport to operate a 25 policy for the sale of tobacco i.e. seeking proof of age from customers who do not look over 25.
- The refusals register was examined which revealed that there were no entries in it from the seller, Tariq Patel.
- There was no documentary evidence to demonstrate whether Tariq Patel had received training in the prevention of underage sales, although Mr Patel claimed that he had been trained by his brother and Premise Licence Holder Suhail Patel.
- The matter was reported and Mehboob Patel and Tariq Patel were instructed to attend the Trading Standards Age Restricted Products Course on 29 November 2010.
- Both Mehboob Patel and Tariq Patel failed to attend the course on 29 November 2010.

On 26 August 2010 the Police submitted an application for a review of the premises license which was supported by this Service, the outcome being that the Licensing Committee revoked the premises licence. The premise Licence holder subsequently submitted an appeal and during the case management hearing a list of additional conditions were agreed as listed in the consent order, including:-

9) All staff, on starting employment with the premises, will receive training with regards the sales of age restricted products, the training package of which will be to the satisfaction of the Police and Local Authority.

11) All training will be recorded and copies retained at the premises for a period of 12 months. The records will be made available for inspection by any responsible authority on reasonable request.

13) The premises will operate a refusals register in relation to age restricted products which will be maintained to the satisfaction of Lancashire Constabulary and will be provided to any responsible authority on reasonable request.

- On Friday 27 May 2011 a test purchase operation was conducted in company with Council Officers from Chorley Borough Council.
- At 18.58 hours a 15 year old male child volunteer was instructed to attempt to purchase alcohol from the premises.
- He had been instructed to state his true age if challenged and to state that he had no proof of age if asked.
- A sale of a bottle of white wine was made by a staff member named Tahir Badat. The sale was made without any challenge to the child volunteer. Personal details of Tahir Badat were recorded at the time who was subsequently dismissed from employment after the sale.
- On Monday 11 July 2011 at 14.45 hours in company with Police and Council Officers the premises were visited to ascertain the reason for the failed test purchase.
- Mehboob Patel and Tariq Patel were asked to produce the training records for Tahir Badat to which they stated that there were none. After a caution was issued by the Police, they again confirmed that there were no training records for Tahir Badat.
- A check was subsequently conducted on 4 refusals book entries for the premises against CCTV footage which indicated that the entries were not true accounts of what had taken place and the Police requested that CCTV footage be provided in relation to the challenges and entries made in the book during the month of July for further scrutiny.
- On 18 July 2011 a tape recorded interview under PACE was conducted with Mr Tahir Badat in company with the Police for the sale conducted on 27 May 2011. Under caution Tahir Badat admitted that he had conducted the sale and stated that he had been given a book to read regarding underage sales upon commencement of employment but no formal training had taken place. He further admitted under caution that he did not read the book "that often". He stated that had he been placed on a formal training course on the outset then the sale would not have taken place.

We share Police concerns regarding the ability and willingness for the premise to comply with their legal duty in not selling age restricted products to young people who have not attained the specified age and adhering to the 4th licensing objective, the protection of children from harm.

This letter and the content therein are in full endorsement of the submission by Lancashire Constabulary jointly with this Service to revoke the premise licence for the reasons previously stated.

Yours faithfully

David Johnnie
Lead Officer Community Support

1

APP

B.

IN THE SOUTH WEST LANCASHIRE MAGISTRATES' COURT

BETWEEN:

T & S STORES

Appellant

&

CHORLEY BOROUGH COUNCIL

Respondent

CONSENT ORDER

Following negotiations between the Appellant and Respondent it is ORDERED by CONSENT:



(1) That the appeal be granted and the Licensing Authority issue a Premises Licence to the Appellant with agreed amended conditions as follows:

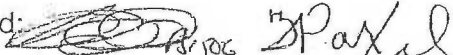
1. The premises shall have a CCTV system installed, operated and maintained to the satisfaction of Lancashire Constabulary. This will include audio recording facility at the point of sale.
2. The system shall be digital and have the capability of 24 hour recording the recordings to be kept for 28 days.
3. There shall be a member of staff on duty at all times the premises is open, who is trained in the operation of the system and capable of providing a copy of any recording to any responsible authority on reasonable request
4. The DPS will ensure the premises will maintain an incident book and will retain a record of all incidents relating to the premises, it's staff and customers; including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on reasonable request to any responsible authority.
5. Where any member of staff becomes aware that alcohol purchased from the premises is being consumed in the immediate vicinity of the premises they will report this to the relevant authority.

6. There shall be no self service of spirits on the premises.
7. The 'Challenge 21' Scheme will be implemented at the premises at all times. Any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), current photo-card driving licence or current passport.
8. Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates the 'Challenge 21' scheme is in operation at the premises.
9. All staff, on starting employment with the premises, will receive training with regards the sales of age restricted products, the training package of which will be to the satisfaction of the Police and Local Authority.
10. All staff will receive underage sales refresher training at intervals of not less than every 4 months.
11. All training will be recorded and copies retained at the premises for a periods of 12 months. The records will be made available for inspection by any responsible authority on reasonable request.
12. All the tills used at the premises will have an Electronic Point of Sale (EPOS) system which will provide prompts re age restricted products.
13. The premises will operate a refusal register in relation to age restricted products which will be maintained to the satisfaction of Lancashire Constabulary and will be provided to any responsible authority on reasonable request.

AND

(2) That both the Appellant & Respondent bear their own costs.

Signed:   On behalf of Appellant

Signed:  On behalf of Respondent

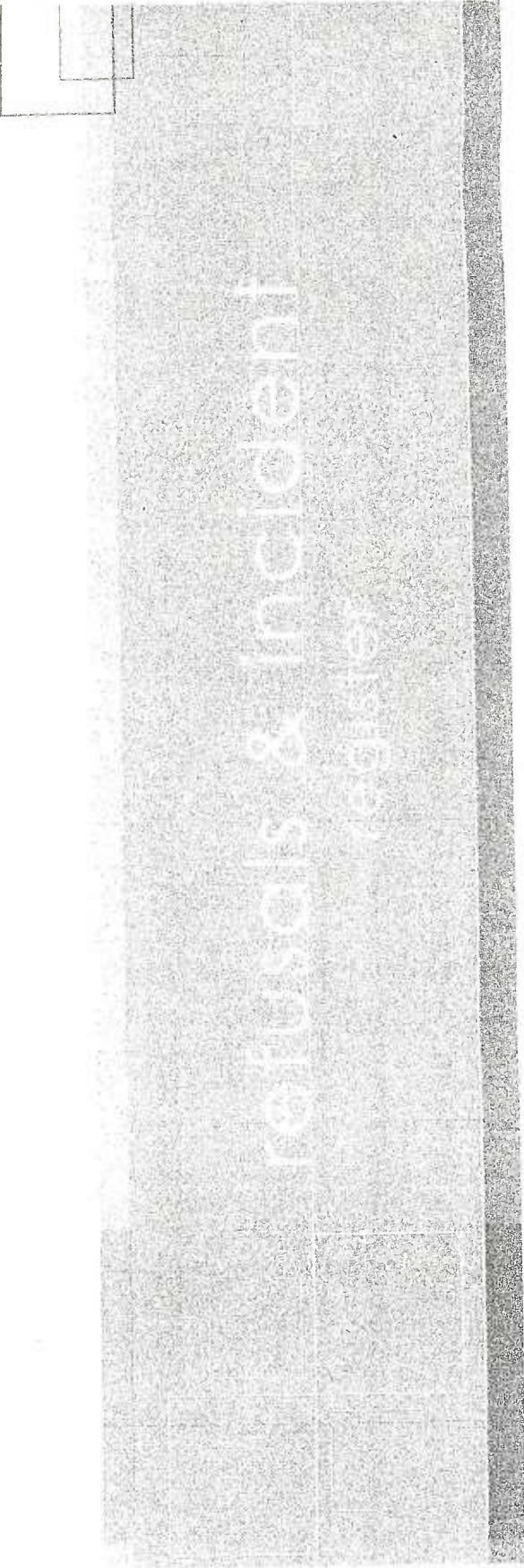
Ordered by:



Date: 16 March 2011

APP

c.



THIS IS THE REFUSAL AND INCIDENT REGISTER FOR:

Best One

76-78 Market Street Chorley



refusal & incident register

This Register must be used on every occasion a customer is refused a sale of alcohol or if there is any incident of note at the premises. All incidents must be recorded no matter how minor they may appear.

The sale of alcohol **MUST** be **REFUSED** if any customer appears under 21 years of age and is unable to prove he or she is over 18 years. When a refusal takes place it **MUST** be recorded in this Register immediately after the customer has left the premises.

This Register must be kept in a safe place out of the sight of customers but easily accessible when it is needed.

This Register **MUST** be produced to any responsible authority, in particular the Police or Trading Standards officers, on request.

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
<p>Example: 4/10/07</p>	<p>7:10pm</p>	<p>Male, about 14 years of age, short brown hair, wearing a wavy blue tracksuit, 5ft8. Said his name was Tom Brown</p>	<p>He had I.D. but it was only a student card</p>	<p>4 cans of Fosters</p>	<p>He had been in before just buying sweets. He was very nervous and was obviously with the group outside</p>	<p>Alan Smith</p>
<p>05.10.07</p>	<p>10.00PM</p>	<p>Spells gathering around outside, shouting and swearing. Customers starting to complain</p>	<p>N/A</p>	<p>N/A</p>	<p>Went outside to see who was there. Did not want to approach the group. Police called</p>	<p>Jenny Schofield</p>
<p>05.10.07</p>	<p>10.14pm</p>	<p>Unknown male, about 25-27 years of age, wearing a brown leather jacket and jeans, black short hair</p>	<p>Bought 4 cans of Fosters by credit card and wanted to buy 2 litre bottles of cider with lots of small change. I suspected the cider was being bought for kids because of the change and he had just paid for the lager with a card.</p>	<p>2 litre bottles of White Lightening cider</p>	<p>I have never seen this man before</p>	<p>Martin Richards</p>
<p>06/10/07</p>	<p>6:15pm</p>	<p>Unknown female came in went to alcohol and kept looking about. She then placed bottle of vodka down tracksuit and ran out</p>	<p>N/A</p>	<p>N/A</p>	<p>Known locally as Scottish Sue, wearing blue tracksuit and hair in pony tail. Police called and incident ref 401/061007 refers, PC Brown is dealing</p>	<p>Amanda Hartley</p>




Checked by DPS on:.....

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
16 FEB 2011	19:05	TWO YOUNG MALES OVER 18 BUT COULD NOT PRODUCE ID YOUNG WHITE MALES	COULD NOT PRODUCE VALID ID	8007 CIGS OF STELLA		Auf
18 FEB 2011	19:25	YOUNG WHITE FEMALE WENT DRESSED AND LEARN FOR ANIMATION.	COULD NOT PRODUCE ID.	GENETICS		Auf
18 FEB 2011	18:??	ADULT MALE 35+.	CCTV OPERATORS INFORMED US THAT SOME YOUNG PEOPLE OUTSIDE THE SHOP HAD PAID THE ADULT MALE TO COME TO THE SHOP. THE MALE WOULD NOT COME. CCTV IN FORMER WAS KEPT. THE ADULT MALE GAVE THE MONEY BACK TO THE YOUNG MALES.	CIGS.		Auf
16 FEB 2011	20:05	YOUNG FEMALE MIXED RACE	FEMALE PICKED UP TWO BOTTLES INCLUDING ONE CIDER BOTTLE AND WALKED ON	ALCOHOL	REMOVES TO THE CCTV OPERATORIVES THEY SAID THEY HAVE SENT SOMEONE OVER. NO ONE HAS APPEARED BY THIS LATER	Auf

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
19/2	12:20pm	2 YOUNG WHITE MALES TRACESUITS - CHAVED UP	NO ID	Tobacco	BOTH DID NOT KNOW WHAT TO SAY AFTER REFUSAL	TARIQ
19/2	17:00	WHITE MALE DID NOT LOOK 21 -	COULD NOT PRODUCE I.D.	Tobacco	ACCEPTED MY REFUSAL VERY GRACEFULLY	
21/2	20:13	YOUNG WHITE FEMALE	ASKED FOR ID AND SAID THEY WERE FOR THE SHOP OFFSITE - ASKED HER TO SEND HIM ACCESS.	Tobacco	SHOP KEPT CALM AND BOUGHT THE TOBACCO HIMSELF	
22/2	17:05	YOUNG WHITE MALE	COULD NOT PRODUCE SATISFACTORY I.D.	Tobacco	SAID HE WAS KNOWN BY STAFF IN THE SHOP - WHO HAD PREVIOUSLY SEEN HIS ID - EXPLAINED THAT I WAS ON THE TILL AND NOT OTHER STAFF	

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
20/2	17:45	Young white male	UNDER AGE - NO VALID I.D.	TOBACCO	REFUSED SALE WENT AWAY SWEARING AND USING OTHER ABUSIVE LANGUAGE	<i>[Signature]</i>
23/2	20:16	Young white male	NO VALID ID	Tobacco	Refused Sale Customer accepted my refusal very gracefully	<i>[Signature]</i>
25/2	12:15	White male	NO VALID ID	TOBACCO	Refused Sale Customer accepted without complaint	<i>[Signature]</i>
25/2	14:00	White male	NO VALID ID	ALCOHOL	Refused Sale	<i>[Signature]</i>

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
2/1/12	16:15	Young male	Too Young and License not produce valid ID.	Tobacco	THIS PERSON IS A SPECIAL OFFENDER. HE WENT OUTSIDE AND ASKED ANOTHER CUSTOMER TO PURCHASE FOR HIM. THE CUSTOMER ADMITTED ASKING ASKED IF HE WAS SURE FOR THE YOUNG MAN.	[Signature]
2/1/12	18:24	White male	No valid ID	Tobacco		[Signature]
2/3/11	9:30	White male 40's - 50's	SMEET of ALCOHOL	CAN of TENNANTS	DONT LOOK DRUNK BUT WHEN I SPKE HIS SPEECH WAS SLURRED	[Signature]
2/3/11	9:45	White male Looked in 20's	WASNT SURE OF AGE HE HAD NO I.D.	JAGERMEISE ALCOHOL	STATED HE HAD GAVE HIS I.D. LAST TIME, I EXPLAINED NOT TO ME.	[Signature]

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
2 MARCH 2011	10:00 AM	WHITE MALE	SUBJECT OF AGE	KEESTRICK SUPER		IMITY
2 APRIL 2011	11 AM	WHITE FEMALE	WAS VERY AGGRESSIVE AND TALKING NON STOP (UNDER INFLUENCE OF BOOZE)	2 CANS ORANGE BROOM	STATED SHE WAS IN COURT THIS MORNING AND WAS GOING BACK AFTER LUNCH.	IMITY
2/3/11	12:15	WHITE MALE BLUE JACKETS, HAT SEANS	CAME IN TO BUY NEWSPAPER SMALL OF BOOZE NAME IN SEANS LABEL	TENNANTS SUPER 1 CAN		IMITY
3/8	16:21	White male	NO VALID ID.	TOBACCO	HIS FRIEND OFFERED TO BUY FOR THE CUSTOMER REFUSED NEXT SALE.	[Signature]

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
5/3	17:49	White male	No valid ID	Tobacco		T
5/3	13:37	WHITE MALE JOGGER JEANS 100KD 18	NO ID	TOBACCO		TALIA
5/3	18:05	Shop lifter WHITE MALE	EJECTED AND RECORDED TO CONTROL	BEER CANS	POLICE CAME IN 10 MINS LATER TO SAY THEY HAVE ARRESTED THE MAN	
6/3	8:50	MAN IN 50'S WHITE MALE	SUBJECT OF ALCOHOL	CIDER BOTTLE FROSTY JACKS	SAID THE SMELL WAS FROM LAST NIGHT	WALKER

Signed:

Checked by DPS on:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
129	8:30	WHITE MALE SECURITY LOOKING	Smell of Alcohol	Stonewall CAN		Intiaz
830	8:30	WHITE MALE TRACUSMS TERT BROWN	No I.D.	10 STERLING KING SIZE		Intiaz
930	9:30	WHITE MALE BLACK SACRED BLUE SACRED	Alcohol, + SPEECH WAS SWERED	1/4 VODKA	HAD A SCAR ON HIS LEFT CHEEK	Intiaz
1215	12:43	White Male - Too Drunk - Could not walk straight and was muttering to himself	Too Drunk	Alcohol 3 TINS OF BEER	Regular Customer	Intiaz

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
19/3	9:45	young white female chobby blonde	NO ID	Tobacco	looked TYP84	JARRO
20/3	16:10	White female Cate finster	Too drunk - didn't know difference between soft drink cans and beer cans	Alcohol		J
21/3	17:30	Black male over 18 - wanted to purchase beer first but no suff. He then tried to buy other alcohol -	He had fun under eye persons with him and I had suspicion that he was going to share. The alcohol with the 2 minors.	Alcohol	refused sale tried to buy a 6TV central but they would not accept it - responded 10 mins later but it was in later. They may have gone to another shop and made a purchase	J
27/3	11:10	White male looked very young	NO ID.	Tobacco	customer went across road to Central News. RADIOS CONTROL TO INFORM OF MY SUSPICION - THE HE WILL ATTEMPT TO PURCHASE TOBACCO FROM CENTRAL NEWS.	J

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
11/6	11:45	young white male looked 10	NO ID	Tobacco		TARLER
13/5	9:00	Young white male referred 18	NO ID	Alcohol		Tahiri
3/6	2:20	2 young white females looked 16	NO ID	Alcohol		TARLER
9/6	4:45	Young white looking 17	NO ID	Tobacco		PATE

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (Include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
1/07/11	7.32	No I.d	No I.d	Cigs Richmond Ks	with young friends	Suhail
16/7/11	7.45	No I.d	Suspition friend of last Refused	Cigs LTB	looked under 18	S.Paneer Suhail S.Paneer
04/07/11	16-07	MAN OF AGE 40	DRUNK	BEER		M.A. Gault
06/7	6.20	NO I.D	LOOKED UNDER 18	100% WINDERS		TRIPPA
06/7	7.15	VERY DRUNK MALE	VERY DRUNK	ALCOHOL	OLD MAN	TARICIA

Checked by DPS on:

Signed:

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
8/17	6:39	WOMAN OLD Veg NOISY + RUDE	VERY DRUNK	Alcohol		TAPRICK

Checked by DPS on:

Signed:

A.P.

T & S Convenience Store

CCTV Footage comparison with entries in Refusal and Incident Register
(Footage only requested from 1st July 2011 as anything prior had dropped off the system).

Entry 1 – 01/07/11 at 7.32pm by Suhail (Footage viewed in store)

CCTV footage obtained covers from 7:28pm to 7:38pm.

- No details or description of person refused.
- No evidence of any refusal for cigarettes
- 4 girls seen to enter store no evidence they bought any age restricted products no challenge made.
- Staff member identified as Suhail however it is clearly Tariq who is serving.
- **7.33pm male in striped top seen to buy what appears to be alcohol. Tariq asks if he has seen the males ID before. Males states he has. Tariq requests ID male is unable to provide any, sale made with Tariq stating bring it next time!**

Entry 2 – 01/07/11 at 7.45pm by Suhail

CCTV footage obtained covers from 7:40pm to 7:50pm.

- No details or description of person refused.
- No evidence of any refusals made that would correspond with entries made.

In relation to both these entries the staff member is detailed as Suhail. He is seen in the shop but all persons who enter the shop and purchase goods are served by Tariq. He is not seen behind the counter on the first footage but can be seen serving a male in a red t shirt comes into to redeem a lottery ticket and buy a DVD. At no time on either CCTV footage is Suhail seen to challenged anyone re purchases made.

No evidence of any refusals as outlined in the register are made by either Tariq and Suhail.

Entry 3 – 04/07/11 at 16:07 hrs – Unknown

CCTV footage covers from 4:03pm to 4:12pm.

- Male enters shop very drunk buys cigarettes
- Refused alcohol by as yet unidentified member of staff
- Further reinforced by Suhail
- Suhail instructs him to complete refusal book

No real issues with this entry other than lacking in detail and the fact that as a staff member they had to be instructed to complete the book – Evidence of lack of training.

Entry 4 – 06/07/11 at 6:20pm by Tariq (Footage viewed in store)

CCTV footage covers from 6:15pm to 6:25pm

- Tariq serving behind the counter

No evidence of any refusal as outlined in the refusal book by Tariq. This was some of the footage requested to be viewed by officers on the visit. There is a male shown in a grey t shirt who was identified to officers by Tariq as being the person referred to. This male despite not looking under 18 was buying an O2 mobile top up for £10.

Entry 5 – 06/07/11 at 7:15pm by Tariq (Footage viewed in store)

CCTV footage covers from 7:10pm to 7:20pm

- Tariq behind the counter

No evidence of any refusal as outlined in the refusal book by Tariq, in fact there are no customers served during this period.

Entry 6 – 08/07/11 at 6:39pm by Tariq (Footage viewed in store)

CCTV footage covers from 6:30pm to 6:45pm

- Tariq serving behind counter
- Drunk female enters store singing and soon after leaves having bought nothing
- Radioed in by Tariq
- Evidence of entry being made in refusal register
- Male buying cigarettes is asked for ID by Tariq – produced in order

Re the drunken female - Clearly incident has occurred but there is no evidence of female asking for or attempting to buy alcohol. Details outlined do not reflect what occurred.

Re the asking for ID - No entry made in relation to asking for ID as per best practice.

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
1/07/11	7.32	No I.d	No I.d	Cigs Richmond Ws	with young friends	Sohail
1/07/11	7.45	No I.d	Suspicion friend of last Refused	Cigs LTB	looked under 18	S.P. Pove S. Pove S.P. Pove
9/07/11	16-07	MAN OF AGE 40	DRUNK	BEER		M.A. Lott
06/7	6.25	NO I.D	LOOKED UNDER 18	1000 WASSER		TARA
06/7	7.15	VERY DRUNK MALE	VERY DRUNK	MICROBOL	OLD MAN	TARA

Checked by DPS on:.....

Signed:

8/16

DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER
8/17	6:39	WOMAN OLD VERY NOISY + RUDE	VERY DRUNK	ALCOHOL		TARJA

Checked by DPS on:.....

Signed:

A.P.P

T&S Convenience Store

F

Breach of Premises Licence Conditions as listed in the consent order

Condition	Details of Breach
<p>4. The DPS will ensure the premises will maintain an incident book and will retain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on reasonable request to any responsible authority</p>	<p>It would appear that the incident book is incorporated within the refusal register. As is detailed below this has not been maintained to the satisfaction of Lancashire Constabulary.</p>
<p>7. The "Challenge 21" Scheme will be implemented at the premises at all times. Any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age accredited under the Proof of Age Standards Scheme (PASS), current photo-card driving licence or current passport</p>	<p>There has been a clear breach of this condition as evidenced by the failed test purchase. There has been a further breach highlighted which is evidenced in the CCTV footage from the first entry on 01/07/11, where a customer is unable to produce ID when asked but is still served.</p>
<p>9. All staff, on starting employment with the premises, will receive training with regards the sales of age restricted products, the training package of which will be to the satisfaction of the Police and Local Authority.</p>	<p>This breach is evidenced by the interview of the staff member on the failed test purchase. It is further evidenced that there was no staff training provided by both Mehboob and Tariq under caution.</p>
<p>10. All staff will receive underage sales refresher training at intervals on not less than every 4 months.</p>	<p>No evidence of any staff training as detailed above</p>
<p>11. All training will be recorded and copies retained at the premises for a period of 12 months. The records will be made available for inspection by any responsible authority on reasonable request.</p>	<p>No evidence of any training records as no staff training has been provided as stated above</p>
<p>13. The premises will operate a refusal register in relation to age restricted products which will be maintained to the satisfaction of Lancashire Constabulary and will be provided to any responsible authority on reasonable request.</p>	<p>Clear breach of this condition as evidenced by the seized refusal book and the discrepancies as outlined between entries made in the register and CCTV footage relating to those timed entries.</p>

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Statement of Witness
(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5B)

G.

STATEMENT OF (name of witness) CAROL ANN CARTWRIGHT

Age of witness (if over [18] enter over [18]): OVER 18

Occupation of witness: TRADING STANDARDS SERVICE OFFICER

This statement (consisting of 1 page signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3 day of June, 2011 (Signed) _____

I am a Trading Standards Service Officer employed by Lancashire County Council Trading Standards Service based at County Hall, Preston. On 27 May 2011 I was involved in a test purchasing operation using a 14 year old volunteer, Louis Potter DOB 26 June 1996, with my colleagues David Fishwick, Technical Support Officer, and Robert Beeston, Licensing Officer of Chorley Borough Council. Photographs and a video were taken of Louis prior to the operation by me, wearing clothes he wore through the operation. I exhibit a photograph of Louis as **Exhibit CAC/1/photo**. At approximately 1858 hours I entered the premise of T&S Convenience Store, 76-78 Market Street, Chorley PR7 2SF. Louis followed me into the shop a few seconds afterwards. He purchased 1 bottle of white wine and a large packet of tangy cheese Dorritos. At no time was Louis either asked his age or was he asked to produce ID. He then left the shop and I followed him out a few seconds later. I then re-entered the premises with Robert Beeston. He then spoke to the seller, whom I know now as Tahir Badat DOB 16 June 68 of 40 Holmrook Road Preston PR1 6SR and explained what had occurred. Tahir Badat was cautioned and Robert Beeston explained that he would be in touch regarding this matter.

Date of Birth of Witness:

Address of Witness:

Room D21,
County Hall,
Pitt Street,
Preston

Post Code: PR1 OLD

Please circle dates when witness **will not** be available:

Month:

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
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Statement taken by:

Licensing Act 2003

Premises Licence

PL(A)0229

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

T & S Convenience Store

76-78 Market Street, Chorley, Lancashire, PR7 2SS.

Telephone 01257 232922 or 07742247425

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	08:00	23:00
	Sunday	10:00	22:30
	Good Friday	08:00	22:30
	Christmas Day	12:00	15:00
	Christmas Day	19:00	22:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	08:00	23:00
Sunday	10:00	22:30
Good Friday	08:00	22:30
Christmas Day	12:00	15:00
	19:00	22:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mehboob Patel	132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS. Telephone 01254 260325 or 07742247425
Suhail Patel	132-134 Lincoln Road, Blackburn, Lancashire, BB1 1TS. Telephone 01254 260325 or 07742247425

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

Premises Licence**PL(A)0229****NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mehboob PATEL

132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
Telephone 01254 260325 or 07742247425**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PT11154

Issued by Blackburn with Darwen

ANNEXES**ANNEX 1 - MANDATORY CONDITIONS**

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 No supply of alcohol may be made under the premises licence -

- a) At a time when there is no designated premises supervisor in respect of the premises licence,
- or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

4 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None.



Licensing Act 2003

Premises Licence

PL(A)0229

ANNEXES continued ...

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.



Licensing Act 2003

Premises Licence Summary

PL(A)0229

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mehboob Patel 132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
 Suhail Patel 132-134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mehboob PATEL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



Licensing Act 2003

Premises Licence Summary

PL(A)0229

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED continued ...



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