

Licensing and Public Safety Committee

Wednesday, 4th October 2023, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

I am now able to enclose, for consideration at the above meeting of the Licensing and Public Safety Committee, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
4	Minutes of the General Licensing Sub-Committees	
b	Minutes of meeting Monday, 27 March 2023 of General Licensing Sub-Committee	(Pages 49 - 52)
5	Minutes of the Licensing Act 2003 Sub-Committees	
f	Minutes of meeting Tuesday, 9 May 2023 of Licensing Act 2003 Sub-Committee	(Pages 53 - 56)
g	Minutes of meeting Wednesday, 24 May 2023 of Licensing Act 2003 Sub-Committee	(Pages 57 - 60)
h	Minutes of meeting Wednesday, 2 August 2023 of Licensing Act 2003 Sub-Committee	(Pages 61 - 68)
i	Minutes of meeting Thursday, 3 August 2023 of Licensing Act 2003 Sub-Committee	(Pages 69 - 76)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee

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Minutes of **General Licensing Sub-Committee**

Meeting date **Monday, 27 March 2023**

Committee Members present: Councillor Matthew Lynch (Chair), and Councillors Mark Clifford, Margaret France, Harold Heaton and Jean Sherwood

Officers: Tasneem Safdar (Legal Services Team Leader), Nathan Howson (Enforcement Team Leader (Licensing)) and Clare Gornall (Democratic and Member Services Officer)

20.1 Declarations of Any Interests

There were none.

20.2 Procedure

The Chair outlined the procedure to be followed.

20.3 Exclusion of the Public and Press

Resolved:

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

20.4 Review of Private Hire Driver Licence and Determination of Application to Renew Private Hire Vehicle Licence

On 27 March 2023 at 6.30pm, a sub-committee hearing was convened in respect of a Review of a Private Hire Driver Licence and Determination of Application to Renew Private Hire Vehicle Licence.

The members were Cllr Matthew Lynch (Chair), Cllr Margaret France, Cllr Jean Sherwood, Cllr Mark Clifford, and Cllr Harold Heaton . The licence holder was also present.

Mr Nathan Howson, Licensing Enforcement Team Leader was present at the hearing and presented a report of the Chief Executive indicating that the matter had been referred to the Sub-Committee following non-compliance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 by the licence holder.

Mr Howson explained that the licence holder had first applied for a private hire and hackney carriage driver licence in 2008. The matter was determined by the Sub-Committee as a result of two convictions in 1996 and 1997 respectively and the licence was granted. The licence has since been renewed in the usual way and is due to expire in 2024.

The licence holder first became the proprietor of a licensed vehicle on 19.4.2018. The private hire vehicle licence was renewed again and subsequently surrendered on 7.7.2022. On 6.7.2022, the licence holder applied for, and was granted, a new private hire vehicle licence in respect of a new vehicle. On 3.1.2023, the licence holder attended the council offices to renew his private hire vehicle licence but the renewal did not go ahead as did not provide all the required documents. On the same day, the vehicle was inspected by a Council-authorized garage and failed the MOT and taxi test. The licence expired on 7.1.23.

On 9.1.2023 the vehicle was submitted for and passed a taxi test and MOT. On 18.1.2023 the licence holder was asked to provide additional documents relating to how and when the repairs which resulted in a fail had been carried out. It was confirmed with the driver during that conversation that he cannot drive with an expired licence plate.

Enquiries were then made by licensing enforcement officers with the licence holder's private hire operator which revealed that between 9.1.23 and 19.1.23, the vehicle had been used for some 114 jobs, whilst unlicensed. A copy of the records was provided at Appendix 2 to the report.

On 30.1.23 the licence holder was interviewed under caution during which they admitted using the vehicle without a private hire vehicle licence.

The Chair invited the licence holder to make any representations to the Sub Committee as regards his fitness to hold a private hire driver licence and a private hire vehicle licence.

The licence holder (DT) admitted that he had been driving his vehicle unlicensed between 9.1.23 and 19.1.23. He apologised and stated that it was in error as he believed he was still entitled to drive at the time because the application was for a renewal of a private hire vehicle licence rather than a new application.

The licence holder (DT) then answered questions by the Sub-Committee.

DT stated that he would usually submit an application for a renewal of his licence approximately one or two weeks before. Mr Howson indicated that licensing officers accept renewal applications 28 days before a licence is due to expire.

DT also made the following representations and statements:

- On 3.1.23, he was only able to get an MOT test in the afternoon after 2.30pm. The failed MOT was a result of a flat spare tyre and a faulty headlight bulb. The

taxi test was failed due to the flat spare tyre. These issues he was later able to resolve himself.

- He stated that he had not driven the vehicle since 19.1.23 and it had been sat on his driveway since then.

Mr Howson and DT then the left the room while the Sub Committee entered its deliberations in private.

Mr Howson and DT were invited back into the room in order for the Sub-Committee to ask further questions.

Mr Howson informed the Sub Committee that the garage should notify the Council's licensing team in the event of a failed MOT or taxi test and in those circumstances the private hire vehicle licence would be suspended. No such notification was received and therefore the licence was still valid between 3.1.23 and the expiry date on 7.1.23.

Mr Howson clarified that it was only illegal to drive a vehicle which had failed its MOT test due a serious fault, which was not the case for DT.

DT confirmed that the jobs he had taken on 4.1.23 and 17.1.23 were both for running a child to school.

Mr Howson and the licence holder then left the room while the Sub Committee continued its deliberations in private.

Resolved:

The Sub-Committee considered all the documentation and submissions in this matter together with all relevant policies and statutory guidance and made the following decision:

1. The Sub-Committee found that the licence holder remains a fit and proper person;
2. That the licence holder be issued with a formal written warning in respect of his future conduct;
3. That the application to renew a Private Hire Vehicle Licence be granted.

The reasons are as follows:

The Sub-Committee were of the view that it is the licence holder's responsibility to ensure that all documentation is submitted for renewal in good time, however on this occasion it was not. The licence holder admitted that he made a mistake and had shown remorse.

Chair

Date

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Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Tuesday, 9 May 2023**

Committee Councillor Matthew Lynch (Chair), and Councillors
Members present: Alan Platt and Hasina Khan

Officers: Nathan Howson (Enforcement Team Leader (Licensing)),
 Sushma Nayee (Senior Paralegal), Tasneem Safdar (Legal
 Services Team Leader) and Clare Gornall (Democratic and
 Member Services Officer)

20.7 Declarations of Any Interests

There were none.

20.8 Procedure

The Chair outlined the procedure to be followed at the hearing.

20.9 Exclusion of the Public and Press

Resolved:

That the press and public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

20.10 Determination of whether to suspend or revoke a Personal Licence

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee to inform members that a Personal Licence Holder had been convicted of a relevant offence following the grant of a licence.

The Personal Licence Holder (PLH), PG, was present at the hearing.

The Enforcement Team Leader (Licensing) presented a report advising members that the PLH was granted his licence on 10 April 2007. The PLH is currently a designated premises supervisor.

On 30 September 2022, the licence holder was convicted of an offence of driving a motor vehicle with alcohol concentration above the legal limit, contrary to Section 5 (1)

(a) of the Road Traffic Act 1988. This was a relevant offence under the Licensing Act 2003 by virtue of Schedule 4, Paragraph 14(c). The licence holder had 46 microgrammes of alcohol in 100 millilitres of breath. The prescribed limit is 35 microgrammes.

The report highlighted that Section 127 of the Licensing Act 2003 requires a PLH to notify the licensing authority, as soon as reasonably practicable, of a change of address. The licence holder had failed to comply with this duty.

Section 128 of the Act requires a PLH charged with a relevant offence to produce the licence to the Court. The licence holder had failed to produce to comply with this duty. Section 132 of the Act requires a PLH convicted of a relevant offence to give the Licensing Authority, as soon as reasonable practicable after the conviction, a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. The licence holder had also failed to comply with this duty.

On 28 March 2023, the licence holder made written representations with regard to the Licensing Authority's review of the personal licence which included consideration whether to suspend or revoke the licence. The representations were appended to the report.

In conclusion, Mr Howson drew attention to paragraphs 17 and 22 of the report stating that under the Act representations may be made regarding "any other relevant information (including information regarding the licence holder's personal circumstances)" and that the Authority must take into account "any other information which the Authority considers relevant".

The licence holder was then invited to address the Committee in accordance with the procedure.

The licence holder (PG) stated that although he had first obtained his personal licence in 2007, he had worked abroad and had not made use of it for over ten years, until around 2019 having returned to the UK and confirming with licensing officers that the licence was still valid. He admitted at that stage he had failed to update his address on the licence. He stated that this was a genuine error, however, he confirmed that he was now aware of the requirement.

With regard to his drink driving conviction, PG explained the circumstances which gave rise to the offence. PG acknowledged that it was the wrong decision to drive to the premises and regretted it.

During questions by the Sub Committee, PG confirmed that he was now fully aware of the legal obligations and duties associated with holding a personal licence.

In accordance with the procedure, PG and Mr Howson then left the room while the Sub Committee made its deliberations.

RESOLVED:

The Sub Committee carefully considered all the evidence in this matter, taking into account the written and oral representations, the Section 182 Guidance under the Licensing Act 2003, and the Council's Statement of Licensing Policy.

The Sub Committee resolved that, on this occasion, a written warning is issued to the licence holder which will lie on their licensing file, subject to any representations by the Chief Officer of Police as the decision is not to revoke the personal licence. If representations are received by the Chief of Police then the matter will be brought back before the Sub-Committee.

The Sub-Committee made this decision is for the following reasons:-

1. The licence holder has no previous convictions.
2. He now understands the legal obligations under the Licensing Act 2003 of notifying the authority of any change of address and his duties with regard to relevant offences/convictions.
3. The offence is one which is serious however, having heard the circumstances leading to the offence, the Sub-Committee accept that it was a genuine misjudgement on behalf of PG.

Chair

Date

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Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 24 May 2023
Committee Members present:	Councillor Matthew Lynch (Chair), and Councillors Michelle Le Marinel and Jean Sherwood
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Stefanie Malcolmson (Senior Solicitor) and Clare Gornall (Democratic and Member Services Officer)

20.11 Declarations of Any Interests

There were none.

20.12 Procedure

The Chair outlined the procedure to be followed at the meeting.

20.13 Exclusion of the Public and Press

Resolved:

That the press and public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

20.14 Determination of whether to suspend or revoke a Personal Licence

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee to inform members that a Personal Licence Holder had been convicted of a relevant offence following the grant of a licence.

The Personal Licence Holder (PLH), PB, was present at the hearing.

The Enforcement Team Leader (Licensing), Mr Nathan Howson, presented a report advising members that the PLH was granted his licence on 29 November 2012.

The report indicated that on 15 June 2021, the licence holder was convicted of an offence of theft by an employee.

Such an offence is a relevant offence under the Licensing Act 2003 by virtue of Schedule 4, Paragraph 14(c). A copy of the Certificate of Conviction from Preston Crown Court record attached at Appendix 2 to the report showed that the licence holder was, upon his own confession, convicted on indictment of theft by employee.

Section 128 of the Act requires a Personal Licence holder charged with a relevant offence to produce the licence to the Court. The licence holder had failed to comply with this duty.

Section 132 of the Act requires a personal licence holder convicted of a relevant offence to give the Licensing Authority, as soon as reasonably practicable after the conviction, a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. The licence holder had failed to comply with this duty.

On 3 April 2023, the licence holder made written representations with regard to the Licensing Authority's review of the personal licence which included consideration whether to suspend or revoke the licence. The representations were appended to the sub committee's report.

In conclusion, Mr Howson drew attention to paragraphs 15 and 20 of the report stating that under the Act representations may be made regarding "any other relevant information (including information regarding the licence holder's personal circumstances)" and that the Authority must take into account "any other information which the Authority considers relevant".

In response to questions by the Chair, Mr Howson explained that the licence holder was formerly the designated premises supervisor at the premises, but at present his partner was the designated premises supervisor.

Mr Howson also confirmed that, other than one complaint regarding noise, for which no further action was taken, there had been no issues of concern at the premises or in respect of PB's personal licence.

Arising from questions by the sub committee, Mr Howson clarified that there were two elements to a personal licence, a paper copy which was appended to the report and a small plastic card. There was no requirement to display the paper element of the personal licence in the premises. The small plastic card did not list a personal licence holder's duties in the way the paper part did.

The licence holder was then invited to address the sub-committee in accordance with the procedure.

PB stated that with regard to his failure to inform the Council of his conviction, he was advised by his barrister that, due to the historical nature of the conviction, ((the offence had taken place some 3/4 years prior to his conviction) he did not have to inform the Council. He acknowledged, however, that he did not contact the Council to check his obligations with licensing officers. He apologised to the sub committee for the failure on his part.

PB described his personal circumstances at the time of the offence and made reference to the fact he was suffering from mental health issues at that time. PB confirmed he was now aware of the legal obligations in respect of his personal licence.

The sub-committee noted that at the time the failure to comply with the legal obligations of the licence had come to light the offence had been committed circa six years ago.

In accordance with the procedure, the personal licence holder and Mr Howson then left the room while the Sub Committee made its deliberations.

Resolved:

The Licensing Sub Committee considered whether to suspend or revoke the Personal Licence. Members considered the Licensing Objectives as follows:

- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- Protection of Children from Harm.

The Sub Committee directed itself that it is under a duty as the licensing authority to take such steps as deemed appropriate to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

In coming to its decision, the Sub Committee had regard to:

- Section 182 Guidance of the Licensing Act 2003
- The Council's Statement of Licensing Policy effective from 2021-2026
- The Licensing Act 2003

The Licensing Sub Committee carefully considered the representations made by the Personal Licence Holder and recognise that the Personal Licence Holder has fully repaid the fine and the money to his previous employer. The Personal Licence Holder was remorseful and apologetic to the Committee for failing to notify the Council of the offence.

After careful consideration, the Sub Committee resolved to suspend the Personal Licence for a period of 6 months, for the following reasons:

1. The seriousness of the offence albeit that there has been a lapse of circa six years since the offence took place
2. Failure to notify the Council about the offence
3. That he failed to notify the Court about his Personal Licence.

Chair

Date

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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

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Minutes of Licensing Act 2003 Sub-Committee

Meeting date Thursday, 3 August 2023

Committee Members present: Councillor (Chair), Councillor (Vice-Chair) and Councillors Matthew Lynch, Mark Clifford and Margaret France

Officers: Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader), and Matthew Pawlyszyn (Democratic and Member Services Officer).

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

1 Declarations of Any Interests

No interests were declared.

2 Procedure

The Chair outlined the procedure to be followed.

3 Determination of Application to Review a Premises Licence- Vinny's Nooze and Booze

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 – Vinny’s Nooze and Booze, 83 – 85 Water 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 Vinod Vishram Halai and his wife, Mrs Ranjhu Halai were also in attendance.

Presentation of the Report

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

The licence was transferred into the current licence holder's name on 26 August 2009.

The location of the premises is within a row of businesses and on the corner of Water Street and Congress Street, with residential properties to the rear and the A6 to the front.

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

The premises had failed two test purchases of age-restricted products in quick succession. A trimming knife was sold to a 13 year old on 17 May 2023 and alcohol was sold to a 16 and 17 year old 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 19 June 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 'The Protection of Children from Harm' licensing objectives.

On 28 June 2023, additional documents were provided by PC Connolly to support his application.

Representations made by the applicant

Before introducing his application, PC Connolly referred to the fact that within 0.6 miles of the premises there were four schools, a mixture of primary and secondary providers.

The premises had one previous test purchase, in which it passed in 2013. There had been no police intervention or intelligence to suggest the premises had been selling alcohol or age restricted products to underage customers.

As part of Operation Sceptre, Vinny's Nooze and Booze was subject to a test purchase with an underage child attempting to buy a knife. A trimming knife was sold to a 13 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, and it was reported that the staff member's attitude was dismissive of the sale.

A further multi agency test purchase was undertaken on 2 June 2023 where the premises sold four cans of cider to a 17 year old male and 16 year old female. Officers attended the premises and issued the staff member with a fixed penalty notice of £90.

An inspection was completed to check compliance, training, and that due diligence was undertaken. A concern was raised that a logbook was discovered within a 2009 – 2019 A4 hard back diary that contained an ill-organised record of refusals without the

recommended information. A Challenge 25 pack from Lancashire County Council was discovered covered in dust and dirt, and the contents freshly printed which indicated that the free resource was not utilised.

The body cam footage from the test purchase was presented to the sub-committee.

PC Connolly highlighted that it was a concern that in quick succession both knives and alcohol were sold to underage customers.

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

- There was no evidence to suggest that the refusal log was not in use, however, entries did not contain key information, or even the year, just the day and month.
- The Challenge 25 pack was not completed, nor signed, and no indication was present that policies were adhered to, there were posters, but nothing by, or over the till.
- The 2013 test was for alcohol, and not knives, test purchases of knives had only been introduced in the previous 5 years.
- For the test purchase of the alcohol, there was no witness in the store, the bodycam footage did not capture the purchase, but recorded enough audio to indicate the sale was completed.
- It was estimated that the average convenience store would record a couple of refusals a week, and these might include customers over the age of 18, but not able to produce identification.

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 were. 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. A 13 year old test purchaser were sent into the premises and was sold a trimming knife by the member of staff. The member of staff asked their age, the test purchaser told the truth, and when asked what he needed it for, informed the member of staff that the purchase was for his mother. The only time a test purchaser is encouraged to mislead the member of staff is when asked why they were buying the item. 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 member of staff advice and a knife pack containing documentation that related to the age-related sales.

As highlighted on the previous representation, on 2 June 2023, a further test operation was carried out, and the same member of staff sold alcohol to a 16 and 17 year old. When the failed test was highlighted, the member of staff said that the customers looked old enough and estimated their age at 19 or 20 years old. Upon questioning, it was clear she was aware of Challenge 25.

The Sub-Committee then put questions to Mr Middleton, his responses were as followed:

- It was confirmed that there was a surprising number of convenience stores that stock and sell the type of knives that could cause considerable damage.
- In relation to training undertaken, there was a pack used to train staff on Challenge 25, and the type and variety of age restricted items. There were a number of training information and courses available for free or at cost that would allow staff to operate best practice.

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Representations from the Licence Holder

Mr Vinod Halai, and his wife, Mrs Ranjhu Halai made their representations to the sub-committee. It was explained that Mr Halai had an in depth discussion with his wife about what happened on the day of the knife sale, however, it was said that she was not aware that it was a restricted item, and that it would be an offence to sell the item to a person under the age of 18.

The stock of trimming knives was not a usual item in the shop and was part of a stand of goods that arrived in the shop, along with knitting needles, scissors, etc. Since the incident, he had removed the trimming knives and blades from sale. He acknowledged that she should not have assumed the age and should have asked for identification, considering she was aware and operated the Challenge 25 policy.

The Sub Committee heard that the shop operated under a strict no ID, no sale policy, and that the restricted item checklist was available to staff. Posters and signs had been erected by the till and in constant eye line of the member of staff on the till.

Training with staff included maintaining training logs, CCTV was in the shop to allow monitoring, and Mrs Halai would receive constant reminders to follow the Challenge 25 policy.

The Sub-Committee then put questions to Mr and Mrs Halai, and their responses were as followed:

- At present, it was only Mr and Mrs Halai that worked in the shop.
- Training was given to employees when they started the job, and there were reminders to be vigilant for suspicious activity and to ensure any concerns were raised and questions asked if uncertain. It was noted that if an employee was unsure if an item should be sold, they were not to continue the sale.
- Staff were regularly reminded to complete the refusal log book. It was clarified that Mrs Halai was aware of how to complete a refusal log entry.
- Mrs Halai explained that she wasn't sure if the trimming knife was an age restricted item, but the child was confident, did not hesitate and she acknowledged that she made the mistake of selling the item, that she did not ask for ID, and took him at his word that it was for his mother.
- Mrs Halai believed that the trimming knife did not fall into the same category of kitchen and other knives, especially as the shop did not usually stock and sell knives.
- Mr Halai believed that he now has the confidence and assurance that following additional training and with constant reminders, Mrs Halai would refuse a sale if there was any doubt.
- In the 14 years Mrs Halai worked in the shop, she told she had been trained on several occasions from when she started, to sporadic training, updates to new laws including when the National Lottery increased the player age from 16 to 18. Since the failed test purchases, training completed had been noted, documented and was presented to the committee, and the Sub Committee was told that they were willing to complete any recommended training.

- It was explained that the Challenge 25 pack had been used, it was just kept together, but it was not signed and dated.
- There was uncertainty if there had been signs and posters within the shop, but it was made clear that all the posters could be up, but if the practice wasn't followed, it made no difference.

Summing up

PC Connolly felt that due to the quick succession of the failed test purchases, and with the access to free resources not utilised, it presented a red flag. Mrs Halai was described as dismissive following the test purchase which was a concern. There was no dishonesty, or attempts to obfuscate which was to the premises' credit. He made the request of the sub-committee to suspend the licence for three months and to add an additional condition that due to the ineffectiveness of past training, all members of staff are to obtain the BIIAB level 2 award qualification, and noted that this was the qualification required to hold a personal licence.

Mr Middleton stressed that Trading Standards did not want or like to see a business fail test purchases, but it also does not want to see customers under the age of 18 leave the premises with knives and alcohol.

Mr Halai told the sub-committee that they did not take the situation they were in lightly, and as a result have implemented positive changes, they have removed knives and blades from sale, the posters are up in the shop, and a more rigorous process of recording and noting training has started. He believed that his shop was not a threat to public safety, or a nuisance to the community. The shop was a small, family run business and had been for the last 14 years.

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
 1. Within three months 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.

2. 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
3. Within three months 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.
 4. Within three months 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 from external training suppliers which may be but need not be Lancashire County Council . All staff must undergo refresher training from external training suppliers 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.
 5. 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.
 6. 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.

7. 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 undermine 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. Members did not consider that a mere warning to the Premises Licence Holder would be sufficient.
4. The failed test purchases pointed to poor supervision and training of staff. The trimming knife was sold to a young person stating that they were 13 years old. The staff members who sold the knife claimed to be unaware that the item was age restricted.
5. The entries in the refusals register produced on 17 May 2023 appeared to date from 2009-10 and lacked dates which suggested to members that there was no refusals register in use on a regular basis.
6. Members noted that the Check 25 policy held by the premises was covered in dust and appeared unused. The wife of the Premises Licence Holder admitted that some of the materials were unused.
7. It was noted that staff at the premises had not undergone any recent external training despite this being made available by Lancashire County Council at no charge. Clearly any training provided by the Premises Licence Holder had not been effective.
8. The conditions attached to the current premises licence at Annex 2 are not appropriately worded and are not enforceable, except for the conditions relating to CCTV but these are catered for in the CCTV conditions proposed by the police.

Chair

Date

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