

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