

## **Licensing Act 2003 Sub-Committee**

Thursday, 3rd August 2023, 6.30 pm  
Council Chamber, Town Hall, Chorley

### Agenda

#### **Apologies**

##### **1 Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

##### **2 Procedure**

General procedure points and hearing procedure for the meeting.

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

Report of the Chief Executive attached.

(Pages 5 - 34)

Chris Sinnott  
Chief Executive

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee

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**LICENSING ACT 2003 SUB-COMMITTEE  
HEARING PROCEDURE  
REVIEW OF CLUB PREMISES CERTIFICATE / 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. SUB-COMMITTEE TO DECIDE WHETHER TO ALLOW PERSON SPECIFIED ON REGULATION 8 NOTICE PERMISSION TO SPEAK (IF APPLICABLE)**

- Members should note that permission should not be unduly withheld

**3. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS**

**4. QUESTIONS TO THE LICENSING OFFICER FOR CLARIFICATION FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons
- The Licence Holder

**5. THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING THEIR APPLICATION**

**6. QUESTIONS TO THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE FROM:**

- Sub-Committee
- Responsible Authorities/Other Persons
- The Licence Holder

**7. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

**8. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Other Persons
- The Licence Holder

**9. REPRESENTATIONS FROM OTHER PERSONS**

**10. QUESTIONS TO OTHER PERSONS FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities
- The Licence Holder

**11. REPRESENTATION FROM LICENCE HOLDER**

**12. QUESTIONS TO LICENCE HOLDER FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons

**13. APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

**14. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

**15. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

**16. LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)**

**17. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision

**18. NOTICE OF DECISION**

Parties re-admitted and Chair announces decision and reasons

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Report of	Meeting	Date
Chief Executive	Licensing Act 2003 Sub Committee	Thursday 3 <sup>rd</sup> August 2023

<b>Confidential report</b>	Yes	No
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#### PREMISES DETAILS

<b>Premises Name:</b>	Vinny's Nooze and Booze	<b>Address:</b>	83- 85 Water Street, Chorley, PR7 1EX
<b>Premises Licence Holder:</b>	Mr Vinod Vishram HALAI	<b>DPS:</b>	Mr Vinod Vishram HALAI

#### Reason for the referral

- To advise the Sub Committee that an application for the review of a premises licence has been received from Lancashire Constabulary, in respect of the premises detailed above.
- For the Sub Committee to determine the application in accordance with the provisions of the Licensing Act 2003.

#### Corporate Priorities

- This report relates to the following Strategic Objectives:

Housing where residents can live well		A green and sustainable borough	
An enterprising economy with vibrant local centres in urban and rural areas		Healthy, safe and engaged communities	X

#### Licensing Objectives

- Members are reminded of the Licensing Objectives, as follows:
  - Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm
- Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

#### Appeals

- An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

#### Legal Considerations

- Members must have regard to the following:
  - The Guidance issued under Section 182 of the Licensing Act 2003.
  - The Council's Statement of Licensing Policy effective from 2021.
  - The Licensing Act 2003.

**History of the premises licence**

- 8. The premises has been licensed for many years although, due to the length of time, licensing records are not complete. It's uncertain when the premises was first licensed under the Licensing Act.
- 9. The licence was, however, transferred into the current licence holder's name on 26.08.09. At the same time, he became the designated premises supervisor. A copy of this current licence is appended at Appendix 1.
- 10. The premises itself is set back from Water Street, the end property in a row of various business premises. It sits on the junction between Water Street and Congress Street. Residential properties can be found to the rear with the A6 to the front. A plan view of the area is appended at Appendix 2.

**Application for the review of a premises licence**

- 11. On 13<sup>th</sup> June 2023, an application for the review of a premises licence was received from PC 6884 Connolly, for and on behalf of the Chief Constable of Lancashire Constabulary. A copy of the application is appended at Appendix 3 and is concerned with the licensing objectives of The Prevention of Crime and Disorder and The Protection of Children from Harm being undermined at the premises.
- 12. The grounds for the review are as followed:

*The premises has failed two test purchases of age-restricted products in recent weeks, in that a trimming knife was sold to the 13 and 15 year old test purchasers on 17.05.23 and alcohol was sold to the 16 and 17 year old test purchasers on 02.06.23.*

**Advertisement of the applications and relevant representations**

- 13. The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council's website for the whole 28-day consultation period.
- 14. During this period and on 19/06/23, a representation was received from Jason Middleton, Principal Officer Alcohol and Tobacco, of Lancashire County Council's Trading Standards Service. This representation relates to the prevention of crime and disorder and protection of children from harm objectives and a copy is appended at Appendix 4.
- 15. On 28/06/23, additional documents were provided by PC Connolly to support the application, comprising a report and appendices including a witness statement, an image of the premises, body-worn camera (BWC) footage from 02/06/23 and a number of proposed conditions to be imposed. These documents are appended at Appendix 5. The BWC footage can be accessed here: <https://youtu.be/pbxwxAznMzw>.

**Implications of the report**

- 16. 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	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**Comments of the monitoring officer**

- 17. The licensing objectives and the policies which the sub-committee must take into account are referred to in the report, as well as the range of options open to members and the right of appeal of the premises licence holder and the applicant for the review.

**Conclusions and options**

18. The decision should be based on the individual merits of the application and the representations (if any). In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
19. In accordance with Section 52 of the Act, the Authority must, having regard to the application and any representation made, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
  - a) To modify the conditions of the licence, (including altering, omitting or adding any condition),
  - b) To exclude a licensable activity from the scope of the licence,
  - c) To remove the designated premises supervisor,
  - d) To suspend the licence for a period not exceeding three months, or
  - e) To revoke the licence.
20. Where the Sub Committee decide to take such steps at a. or b. of paragraph 21 above, they may provide that they have effect for only such a period (not exceeding three months) as they may specify.

Chris Sinnott  
CHIEF EXECUTIVE

**Appendices**

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Plan view of premises surroundings
Appendix 3	Application to review a premises licence
Appendix 4	Representation- Jason Middleton, Trading Standards
Appendix 5	Supporting representation- PC Connolly

**Background papers**

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021-2026	<a href="#">Statement of Licensing Policy 2021-2026.pdf (chorley.gov.uk)</a>
Secretary of State Section 182 Guidance	December 2022	<a href="#">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>

Report Author	Ext	Date
Nathan Howson	5665	12 <sup>th</sup> July 2023

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Licensing Act 2003  
**Premises Licence** PLA0221

Part 1 – Premises Details

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

**Vinny's Nooze N Booze**  
 83 - 85 Water Street Chorley PR7 1EX

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)	Days and times
The sale by Retail of Alcohol (Off the premises)	Monday to Sunday 05:00 - 23:00

THE OPENING HOURS OF THE PREMISES

Monday to Sunday 05:00-23:00

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

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

Part 2

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

Mr Vinod Vishram Halai	Vinny's Nooze N Booze 83 - 85 Water Street Chorley PR7 1EX Email address: <a href="mailto:ranj_78@hotmail.com">ranj_78@hotmail.com</a> Telephone number: 01257 263964
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Licensing Act 2003  
**Premises Licence**

**PLA0221**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mr Vinod Vishram Halai  
Vinny's Nooze N Booze 83 - 85 Water Street Chorley PR7 1EX  
Telephone number: 01257263964

**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 Number: PA1725  
Issuing Authority: Bolton Metropolitan Borough

**ANNEXES**

**ANNEX 1 – MANDATORY CONDITIONS**

**MANDATORY DRINKS CODE**

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.

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

**ALCOHOL PROMOTIONS**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -  
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or  
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective ;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner



Licensing Act 2003  
**Premises Licence**

**PLA0221**

**DISPENSING ALCOHOL**

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**FREE TAP WATER**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**AGE VERIFICATION**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

**ALCOHOL MEASURES**

The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: 1/2 pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**EXHIBITION OF FILMS**

- 1a) The Premises licence holder shall ensure that the admission of children to the exhibition of any film shall be restricted in accordance with section 20 of the Licensing Act 2003(the Act)
- 1b) Unless section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification board specified in this licence
- 1c) Where section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the licensing authority
- 1d) Where no film classification board is specified in this licence admission of children to the exhibition of any film shall be restricted in accordance with any recommendation made by the licensing authority.
- 1e) For the purposes of this condition:-  
"children" means persons aged under 18; and  
"film classification board" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984  
(authority to determine suitability of video works for classification)



## Licensing Act 2003 Premises Licence

# PLA0221

### DOOR SUPERVISORS

The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of the Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

### SCHEDULE Mandatory Licensing Condition

#### MINIMUM DRINKS PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1); .

(b) "permitted price" is the price found by applying the formula- .

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



Licensing Act 2003  
**Premises Licence**

**PLA0221**

**ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

We have a good CCTV system and work closely with both the Police and Community Support Officers.

We operate a Challenge 21 Policy for both alcohol and tobacco and keep an ID record which is checked by all staff.

Shoplifting is reported to the police.

In addition to the above we monitor our shop constantly and will not serve people who behave erratically or appear to be under the influence of drink or drugs.

We keep a watch for any young people hanging around.

The premises shall operate a comprehensive CCTV system to the satisfaction of Lancashire Constabulary.

All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of at least 28 days with date and time stamping. Recordings shall be made available immediately upon the request of police or authorised officer upon reasonable request.

We check all lighting, all shop fittings, the flooring and the glass in the windows and doors.

We keep a well stocked first aid kit.

We keep a watch for people hanging around outside.

We warn unruly people to behave or move on.

Any suspicious behaviour is reported to the police immediately.

We operate a Challenge 21 Policy.

We restrict the number of minors in the shop at any one time.

We will not serve alcohol, tobacco or solvents to minors.

We watch children closely and ensure that adults do not buy on behalf of minors.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None

**ANNEX 4 – PLANS**



Licensing Act 2003  
**Premises Licence** PLA0221

## Summary of Licence

### Premises Details

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

**Vinny's Nooze N Booze**  
 83 - 85 Water Street Chorley PR7 1EX

**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)	Days and times
The sale by Retail of Alcohol (Off the premises)	Monday to Sunday 05:00 - 23:00

**THE OPENING HOURS OF THE PREMISES**

Monday to Sunday 05:00-23:00

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

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

### Part 2

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Mr Vinod Vishram Halai Vinny's Nooze N Booze 83 - 85 Water Street Chorley PR7 1EX

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

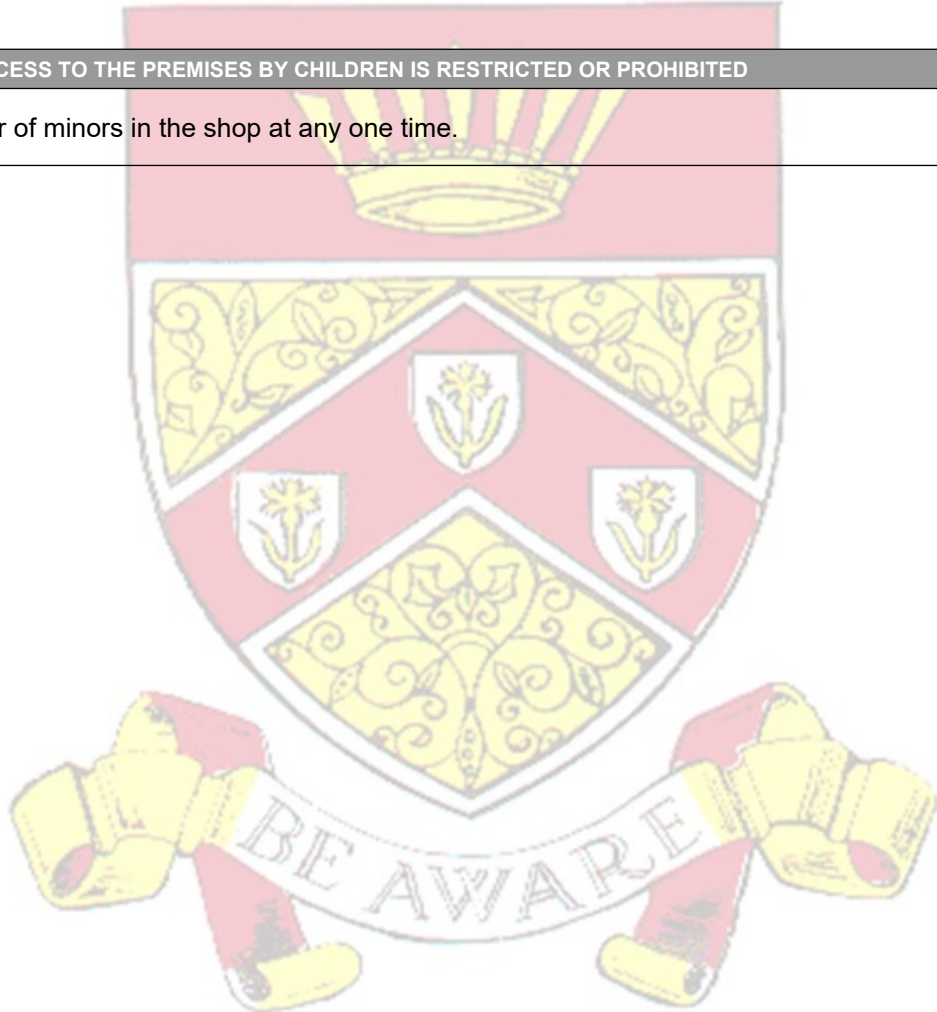
Licensing Act 2003  
**Premises Licence** **PLA0221**

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

Mr Vinod Vishram Halai

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

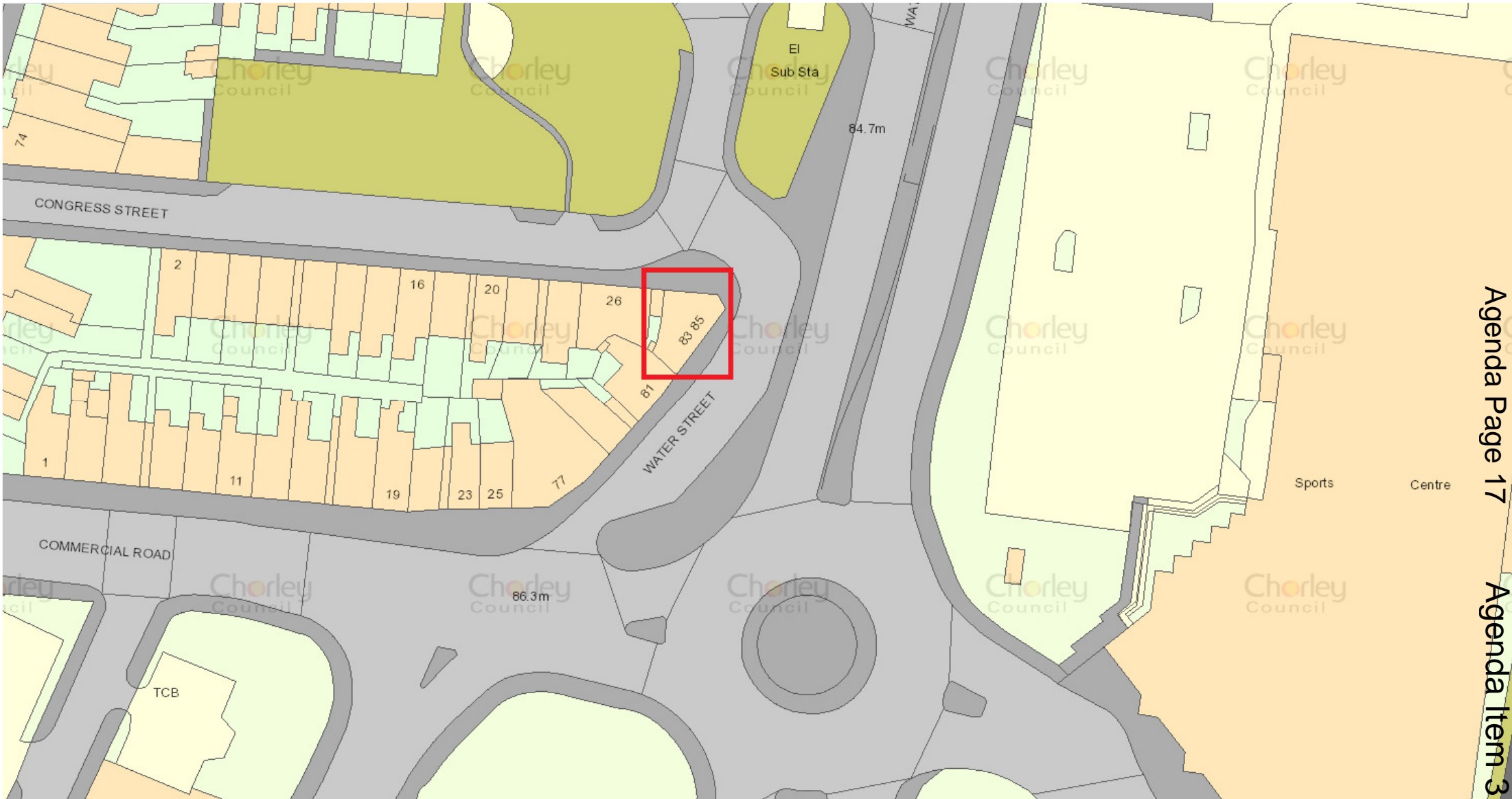
Restrict the number of minors in the shop at any one time.



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Appendix 2- Plan view of Vinny's Nooze and Booze, 83-85 Water Street





**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 PC 6884 Stephen Connolly of Lancashire Constabulary

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Vinnie's Off Licence 83-85 Water Street	
<b>Post town</b> Chorley	<b>Post code (if known)</b> PR7 1EX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Vinod Halai
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<b>Number of premises licence or club premises certificate (if known)</b> PLA0221
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**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 PC 6884 Stephen Connolly South Licensing Team Preston Police Station Lancaster Road North Preston PR1 2SA
Telephone number (if any) 01772 209785
E-mail address (optional) southlicensing@lancashire.police.uk

**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)

This application for the review of a premises licence is being submitted by Lancashire Constabulary, a responsible authority following two failed test purchases of age restricted products in recent weeks.

This application relates to the premises failing to uphold the Licensing Objectives of The Prevention of Crime & Disorder and The Protection of Children of Harm

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

On Wednesday 17th May 2023 the premises was subjected to a joint Police and Trading Standards test purchase operation to purchase a knife as part of a dedicated operation to tackle knife crime; the premises failed and sold a trimming knife to a 13 & 15 year old child on this occasion.

On Friday 2nd June 2023, following the previous failure the premises was again subjected to another test purchase by Police and Trading Standards, on this occasion the premises sold alcohol to two children aged 16 and 17.

**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

--	--	--	--	--	--	--	--

**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 13<sup>th</sup> June 2023 .....

Capacity Lancashire Constabulary Licensing Constable .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.



**THE LICENSING ACT 2003 - REPRESENTATION FROM RESPONSIBLE AUTHORITY**

**LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE**

I am Jason Middleton, Principal Officer employed by Lancashire County Council Trading Standards Service.

I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations on behalf of the Lancashire County Council Head of Service for Trading Standards.

I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

Lancashire County Council Trading Standards Service wishes to make representations in support of the application from Lancashire Police to review the premises licence at Vinny's Off Licence, 83-85 Water Street, Chorley PR7 1EX.

On 17<sup>th</sup> May 2023 an underage test purchasing operation for knives was conducted by Lancashire Police and Lancashire Trading Standards. The premises failed and a trimming knife was sold to the 13 year old test purchaser. A Trading Standards Officer was present in the shop at the time and witnessed the sale take place. The Officer heard the member of staff ask the test purchaser his age. He replied '13'. She then asked him what he was buying it for and he replied to say that it was for his mum. She then proceeded to sell the knife to the child.

Immediately after the failed test purchase the shop was revisited by Trading Standards and Police, and the member of staff informed of the failure and given relevant and proportionate advice. She claimed to have been unaware that the item was age restricted and that she was more familiar with the laws around alcohol sales. She stated that if the test purchase had been for alcohol she would not have made the sale.

On 2<sup>nd</sup> June 2023 a further test purchasing operation was carried out, this time for alcohol. The same member of staff who sold the knife on 17<sup>th</sup> May 2023 sold alcohol to the 16 and 17 year old test purchasers.

In the opinion of Lancashire County Council Trading Standards Service, the information presented is evidence that the prevention of crime and disorder and protection of children from harm licensing objectives have been disregarded at these premises.

I reserve the right to bring further evidence to any hearing, should any arise between now and then.

I believe the contents of this statement to be true.

Signed: 

Date: 16/06/2023

Jason Middleton (Principal Officer)  
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Lancashire  
Constabulary

# **Lancashire Constabulary**

## **South Division**

### **Premises Licence Review File**

Name: Vinny's Convenience Store

Address: 83-85 Water Street, Chorley

Licensing Authority: Chorley Borough Council

Licence Number: PA0221

## **1. Summary**

Vinny's Convenience Store is a single storey 'Off Licensed' premises which is situated on Water Street junction of Congress Street, within the Chorley North & Astley Ward of Chorley Borough Council. The geographical makeup of the area is a mixture of residential and business premises. The premises overlooks the A6, one of the arterial entrances into the Town Centre; there are a number of other Licensed Premises in the area with the nearest comparable premises being 0.2 miles away. Of note there are four schools within 0.6 miles of the premises.

Vinny's Convenience Store hold a Premises Licence which allows the sale of alcohol 'off-sales' between 0500-2300hrs daily. The premises sells lottery products, cigarettes & other tobacco products, food & drink and general non-food goods. It has a single entrance/exit which is on the corner of the building line as Water Street joins Congress Street. Upon entering the premises there is a service counter on the left of the premises which overlooks the entrance, spirits are displayed and sold from behind the counter whilst beer, cider, wines and other alcohol are displayed at the far left of the premises, which is also overlooked by the service counter, given the wider layout of the premises it is possible to approach these displays without directly passing the service counter.

## **2. History**

Vinod HALAI is the Premises Licence Holder and the Designated Premises Supervisor for Vinny's Convenience Store, positions which he has held since August 2009. HALAI holds a Personal Licence from Bolton Council which was issued on 24<sup>th</sup> July 2009.

Police systems only shows one previous test purchase for alcohol conducted at the premises which occurred on 29<sup>th</sup> November 2013, this resulted in a pass and alcohol was not sold. Police systems show no other interventions by Police Licensing with the premises until 2023.

## **3. Reason for Review**

On 17<sup>th</sup> May 2023 a joint police and Trading Standards knife test purchase under Operation Sceptre, a national operation dedicated to tackle knife crime was conducted at the premises. The Premises failed the test purchase and sold a trimming knife to a 13-year-old child, the sale was witnessed by a member of Lancashire Trading Standards where the member of staff asked how old the test purchaser was and what they were buying it for, the test purchaser confirmed that they were 13 years old and that the trimming knife was for their mum.

Police and Trading Standards then conducted a follow up visit where educational advice around age related sales was given to staff, during this visit it was determined that member of staff was the wife of HALAI and was dismissive of the sale stating that she would not sell to a child if it was alcohol.

Friday 2<sup>nd</sup> May 2023 saw a multi-agency alcohol test purchase operation conducted at the premises. At approximately 1320hrs the premises failed by selling a four pack of Strongbow 'Dark Fruits' cider to a 16- and 17-year-old test purchaser. Following the sale, the premises was visited and the staff member who made the sale was issued with a £90 fixed penalty, it was at this point the staff member was found to be the same person who had sold the trimming knife on the 17<sup>th</sup> May 2023. Officers were presented with a refusal register from 2009-2010 and unused check 25 materials.

Given the two failed test purchases in a two-week period, Lancashire Constabulary have concerns over the premises and it's ability to lawfully sell age related products. Aggravating factors in this is that the Premises have failed to keep accurate refusal records and failed to implement age related sales training and resources, provided to them for free by Lancashire Trading Standards

#### **4. Outcome Sought**

Lancashire Constabulary respectfully request that the Premises Licence is suspended for a period of 3 months along with additional conditions being imposed upon the Premises Licence as outlined in LC04.

The rationale for this outcome is to prevent any further negative impact on the Licensing Objectives whilst the premises implements the new conditions.

#### **5. Supporting Evidence**

LC01 – Statement from Police Licensing Officer

LC02 – Street view image of premises

LC03 – Bodyworn Camera footage from 02/06/23

LC04 – Requested Premises Licence conditions.

I am PC 6884 Stephen Connolly of Lancashire Constabulary, currently attached to the South Licensing Team based out of Preston Police Station.

With delegated authority from the Chief of Police, Chief Constable Rowley of Lancashire Constabulary I make representations on his behalf with matters relating to the Licensing Act 2003 and the Gambling Act 2005.

I make this statement in relation to a Licensed Premises called Vinny's Convenience Store which is situated on Water Lane, Chorley. In this statement I will mention Vinod HALAI, the Premises Licence Holder and Designated Premises Supervisor for Vinny's Convenience Store. I will also mention [REDACTED], staff member at Vinny's Convenience Store [REDACTED] Premises Licence Holder, Lauren MANNING & Jason MIDDLETON who are officers from Lancashire Trading Standards and Nathan HOWSON, Chorley Borough Council Licensing.

On 24<sup>th</sup> May 2023 I was made aware by MANNING that Vinny's Convenience Store had been visited on 17<sup>th</sup> of May as part of a test purchase operation and failed by selling a trimming knife to a child. Following this, I suggested that it be revisited as part of an upcoming alcohol test purchase operation.

On Friday 2<sup>nd</sup> June 2023 we conducted a multi-agency alcohol and tobacco test purchase operation at several premises across Chorley and South Ribble, during this eight Licensed Premises were visited resulting in five passing. At approximately 12:25hrs the test purchase of Vinny's Convenience Store took place, two children aged 16 & 17 entered the premises where they purchased four cans of Strongbow 'dark fruits' Cider which went unchallenged by the staff member [REDACTED]

Following the failed test purchase a multi-agency visit was conducted, [REDACTED] confirmed that she was the only member of staff present and when asked by MIDDLETON stated they looked old enough, approximately 19/20 years old before confirming that the age policy at the premises was to challenge those that looked under 25. [REDACTED] then confirmed that she had been advised regarding age related sales a couple week previously. HOWSON then asked regarding the challenge policy and training [REDACTED] provided us with a 'check 25' pack published by Lancashire Trading Standards, upon inspection the pack was covered in dust and the contents of which appeared completely unused. We were then presented with an 'ID check log' which was contained in a 2009-2010 diary, [REDACTED] confirmed to HOWSON that it had been a while since the book was filled in. Following this [REDACTED] was issued with a £90 penalty notice.



PC 6884 Stephen Connolly



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1. The premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply 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 made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.
  - 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. 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. 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.



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, except where such article is a folding pocketknife where the cutting edge is less than 3 inches in length.

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