

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	30 November 2017	4

Review of Premises Licence – Today’s Local, 92 Lord Street, Fleetwood, FY7 6JZ

1. Purpose of report

- 1.1 To assist members to determine an application from Lancashire Constabulary, submitted under section 51 of the Licensing Act 2003 (the Act), seeking a review of Premises Licence PL(A)0391, in respect of Today’s Local, 92 Lord Street, Fleetwood, FY7 6JZ

2. Outcomes

- 2.1 That the application to review the Premises Licence for Today’s Local, 92 Lord Street, Fleetwood, FY7 6JZ be determined.

3. Recommendation

- 3.1 That Members consider the application submitted by Lancashire Constabulary and the representations submitted during the consultation period, along with any evidence presented by the Licence holder and determine what, if any, steps to take, in respect of Premises Licence PL(A)0391.

The licensing objectives that this review is primarily concerned with are:-

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

However the remaining objective may also be referenced, being:

- Prevention of Public Nuisance

4. Background

- 4.1 On 13 October 2017, the Licensing Unit received a Review application from Lancashire Constabulary in respect of premises trading as Today's Local in Fleetwood, following a failed test purchase. The application is attached at **Appendix 1**.
- 4.2 Mr Arumugam Kalamohan of White Lion Road, Amersham, Buckinghamshire, has held a Premises Licence for the shop since 21 January 2012. **Appendix 2**.
- 4.3 The Licence currently authorises the sale of alcohol between 07:00 hrs and 23:00 hrs, Monday to Sunday. It also permits the premises to be open Monday to Saturday 06:00 hrs to 00:00 hrs and on Sundays from 06:00 hrs to 23:00 hrs.
- 4.4 Initially Mr Kalamohan was named on the licence as the Designated Premises Supervisor (DPS), but following a failed test purchase in July 2013, he applied to transfer Mr Richard Nepolean Anthonys onto the Licence as the DPS.
- 4.5 Following the latest failed test purchase, Mr Kalamohan made a further application to transfer Mr Diraj Devananden onto the licence as the DPS.

5. Key issues and proposals

- 5.1 Section 52 of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within 20 working days following the end of the statutory 28 day consultation period (which ended on 14th November 2017).
- 5.2 The application has been advertised by the Council in accordance with section 51 3 (b) of the Act and a public notice in the prescribed format, has been posted at the premises throughout the consultation period. **Appendix 3**.
- 5.3 Representations from four of the Responsible Authorities have been received in support of the Police's application.
- 5.4 Lancashire Trading Standards have outlined their concerns about repeated failures of the premises to prevent the sale of alcohol to children, which directly undermines the protection of children from harm Licensing Objective.
- 5.5 They have also detailed a seizure of numerous bottles of vodka from the premises in 2016 after concerns about the legitimacy of the product. The manufacturers confirmed that whilst the product was legitimately produced, the labels affixed to the bottles seized were counterfeit and wrongly certified that UK duty had been paid.

- 5.6** Whilst it was not possible to say where the counterfeit labels had been attached to the bottles, it was clear that the management of the premises had not sourced the vodka from a legitimate supplier. This is in direct conflict with the prevention of Crime and Disorder Licensing Objective. The full representation is attached at **Appendix 4**.
- 5.7** Lancashire Fire and Rescue Service have outlined their concerns about the management of the premises, following an incident at 18:47 hours on 26 September 2017, when the shop was open to the public, which resulted in an injury to a member of staff that required him to undergo surgery.
- 5.8** The injuries were caused because a heater had been placed too close to lighter fuel canisters, which caused them to expand and rupture, resulting in a projectile injury to the employee's lower leg.
- 5.9** The subsequent investigation has highlighted recurring failings by the premises management to comply with the requirements of the Fire Regulatory Reform Order.
- 5.10** Despite having been advised in writing in 2011 that the premises management must undertake a fire risk assessment and address concerns about the lack of suitable fire warning systems, or effective fire separation between the retail unit and the sleeping accommodation above, Mr Kalamohan had not addressed any of these issues, before the incident on the 26 September 2017.
- 5.11** Nor was there any evidence of suitable training for staff in relation to fire safety. Mr Kalamohan is currently subject to an enforcement notice to ensure that he addresses the outstanding issues, that relate directly to the public safety Licensing Objective. The full representation is attached at **Appendix 5**.
- 5.12** Wyre Council's Environmental Health Officer has raised similar concerns about failings by the premises management to comply with health and safety legislative requirements, which ultimately led to a member of staff sustaining serious injuries whilst at work.
- 5.13** Members should be aware that the public safety objective does not specifically include the safety of employees, however, it should properly consider the safety of customers in the shop, and the potential for members of the public to be exposed to a hazardous environment, in light of these failings. The full representation is attached at **Appendix 6**.
- 5.14** The Licensing Authority, in its capacity as a Responsible Authority has also raised concerns about the failed test purchases and general compliance issues.
- 5.15** A Licensing Officer (LO) visited the store in January 2016, in response to complaints linking the premises to the supply of alcohol to children.

The LO provided the premises with a suitable policy in January 2016, which, if properly implemented would prevent underage sales. The LO also re-iterated to Mr Anthony's, the Designated Premises Supervisor, and the other staff present, the need to ensure that they complied with all of the conditions attached to the licence, at all times.

5.16 When a further unscheduled visit was conducted after the latest test purchase failure, in September 2017, the premises were still found to be operating in breach of their licence conditions. The full representation is attached at **Appendix 7**.

5.17 In considering this review application Members should take into account the Council's Statement of Licensing Policy, Attention is particularly drawn to the following paragraphs which are reproduced in **Appendix 8**.

- 7.0 General approach to licensing
- 14.1 Prevention of Crime and Disorder
 - 14.1.1 Underage drinking
- 14.2 Promotion of Public Safety
- 14.4 The Protection of Children from Harm
 - 14.4.1 Sexual exploitation of children
- 21.0 Reviews

5.18 Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular paragraphs 11.22, 11.25, 11.26, and 11.27.

Section 11 which deals with Reviews is reproduced in its entirety at **Appendix 9**.

5.19 If, after considering all of the evidence presented, members are satisfied that one or more of the licensing objectives is being undermined, the Licensing Authority must consider what action would be appropriate.

It may take any of the following steps:

- To modify the conditions of the licence (which includes adding new conditions, altering or removing existing conditions or changing the hours for licensable activities and/or opening hours).
- To remove the Designated Premises Supervisor.
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	The legal requirements for carrying out a review under s.51 of the Licensing Act 2003 are outlined in the report. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Neil Greenwood	887410	Neil.Greenwood@wyre.gov.uk	14/11/17

List of background papers:		
name of document	date	where available for inspection
Wyre Council Statement of Licensing Policy	2016 - 2021	Licensing section

List of appendices

- Appendix 1 - Application
- Appendix 2 - Premises Licence PL(A) 0391
- Appendix 3 - Public Notice
- Appendix 4 - Representation from Lancashire Trading Standards
- Appendix 5 - Representation from Lancashire Fire and Rescue Authority
- Appendix 6 - Representation from Wyre Health and Safety Authority
- Appendix 7 - Representation from Wyre Licensing Authority
- Appendix 8 - Excerpt from Wyre Statement of Licensing Policy
- Appendix 9 - Section 11 of the Statutory S182 Guidance

arm/rg/lic/cr/17/3011nb4

LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	PL(A)0391

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE**

UNDER THE LICENSING ACT 2003

Applicant Name:	PC 4107 Emma Pritchard
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wyre
council

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

	Emma Pritchard
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[insert name of applicant]

apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises Details

Postal address of premises or club premises (if any) or (if none) the Ordnance Survey map reference or description.						
	Today's Local					
Premises Name and Address	92 Lord Street					
	Fleetwood	Post Code	F	Y	7	6 J Z
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)						
Mr Arumugam Kalamohan						
Premises Licence or Club Premises Certificate Reference Number (if known)						PL (A) 0391

Part 2 – Applicant details

I am:

	Please tick
1) an interested party (please also complete sections 2A and 2B below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick	
							Yes	No
Forenames								
Home address								
Telephone Number								
E-Mail Address								

(2B) Other Applicant or Representing Body

Name								
Address								
Telephone Number								
E-Mail Address								

(2C) Responsible Authority applicant

Name	PC 4107 Emma Pritchard							
Address	Licensing Department, Bispham Police Station, Red Bank Road, Blackpool							
Telephone Number	01253 604007							
E-Mail Address	Emma.pritchard@lancashire.pnn.police.uk							

Part 3 – Reason for Review

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

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

Please state the grounds for review (please read guidance notes)

The review is brought on behalf of Lancashire Constabulary following concerns that the Licensing Objectives are not being properly promoted when the premises are selling alcohol.

Over the last two years or so there have been anti-social behaviour problems in and around The Mount and Marine Hall in Fleetwood caused by local youths, many of which are consuming alcohol in these areas, it is unknown where these persons who are under 18 years old are obtaining alcohol from. The neighbourhood Policing Team trying to tackle this and additionally have requested Test Purchase Operations take place in the area to try to alleviate this problem.

Therefore On Friday 15th September 2017 a multi-agency alcohol Test Purchasing Operation was conducted in Fleetwood. 10 premises were visited and only one premises sold alcohol to the 15 year old volunteer; Today's Local. At 19:50hrs Nathan Lester, an 18 year old male who stated he was autistic and was the sole staff member in the public area of the shop at the time of the sale, sold a bottle of white wine to a 15 year old female. Police and Trading Standards re-visited the premises less than an hour later and spoke to the seller who was still on his own. A manager was requested so Viga Pasker came downstairs when he was contacted by phone. Vigi said the DPS was not present as he was currently managing another shop out of Lancashire, when asked he said that he had been running the shop in replace of Richard Anthony's for the last 4 months. The Licensing Act states the DPS is responsible for the day to day running of the premises. Nathan was asked if he had received any proof of age training and he said no, Vigi could not provide training and said this may be kept at head office. Nathan stated he had worked at the premises for 4 weeks.

A visit was conducted to the premises on 19th September 2017 by PC Emma Pritchard and Head Licensing Officer Niky Barrett. Again neither the DPS nor Premises Licence Holder were present, only Vigi Pasker. Vigi was asked if he had any training records now in place for himself or Nathan Lester but he did not and said these will be head office. It was noted that the premises licence wasn't on display and there was no proof of age notice displayed at the entrance as is required. However Vigi did know how to use the CCTV system which has good coverage and a mounted flat screen television on display for members of the public.

PC Emma Pritchard attended the premises for a pre-arranged meeting in relation to the failed test purchasing operation at the premises with Nathan Niroshan from Mohan Retail (Head Office for the premises) on 20th September 2017. The Licence Holder Arumugam Kalamohan was also present, however the DPS was not. PC Pritchard expressed concerns regarding the lack of presence of the DPS and Mr Niroshan said that he was currently on holiday and would be back at the end of the following week so Vigi Pasker had been brought in to cover. PC Pritchard also expressed concerns that Richard Anthony's was the DPS on a previous failed test purchase a year ago and also back in 2013. Mr Niroshan explained that he acted on behalf of Mohan Retail who help put training practices in place for the premises and presented the document and training folder which included a signed training sheet for Nathan Lester dated that same date showing he had only just

completed the training. No documented training for Viga Pasker has been seen. PC Pritchard left a Lancashire Trading Standards Challenge 25 pack which included posters, badges and proof of age training.

At 18:43hrs on 26th September 2017 ambulance were contacted by Nathan Lester's girlfriend who stated there has been a small explosion inside the Today's Local and Nathan Lester has a chunk of his leg missing. It transpires Nathan had been in the premises on his own and had a heater too close to gas lighters which has caused the explosion and injury to Nathans leg.

Historic issues at the premises

A Test Purchasing Operation was conducted at the premises on Friday 16th September 2016 whereby a 15 year old male was sold alcohol. The DPS Richard Anthony was not present at the time but a meeting was held a week later when proof of age training was viewed.

On Friday 27th July 2013 a Test Purchasing Operation was carried out at the premises and a 15 year old male was sold alcohol. It was highlighted that no documented training for the seller was in place and PS Forshaw stated there was a high turnover of staff. PS Forshaw attended a meeting a week later where better training had been put in place.

As a consequence of the above the Police have very little confidence in the ability of the management to uphold the licensing objectives, particularly those around the protection of children from harm and its ability to prevent the previous issues from re-occurring. It is recognised that the Licence Holder has appointed a new DPS which will hopefully go some way to address some issues, however it has been apparent that those managing the premises have not exercised appropriate due diligence and as stated in paragraph 11.30 of the section 182 Guidance of The Licensing Act a review of the premises licence is the norm in these circumstances as it is recognised the sale of alcohol to children is a serious offence. The Guidance states that in determining the review, the Licensing Authority should consider revoking the Licence if it considers this appropriate.

Whilst mindful of the above the Police would also like the Licensing Authority to consider a period of suspension due to three failed test purchases and the following additional conditions to be added to the operating schedule:

1. All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and available to police officers or other authorised persons. This training should be kept on the premises at all times.
2. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
3. All persons involved in the sale of alcohol must be over 18 years of age.
4. Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.
5. On a Friday and Saturday evening from 6pm until close there must be two members of staff present in the public area of the premises.
6. New members of staff that have been employed at the premises less than 4 weeks should be supervised by another responsible member of staff at all times.
7. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2)

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

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 5 – Signatures (please read guidance note 3)

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

Signature	Capacity	Date		
<i>E. Pritchard</i>	PC 4107 Pritchard	Day	Month	Year
		13	10	2017

Contact name and address for correspondence associated with this application. (Where not previously given). (See guidance note 5)

Title:	Mr	Mrs	Miss	Ms	Other	
Forenames			Surname			
Address for Correspondence associated with this application						
			Post Code			
Telephone Number			Mobile Number			
E-Mail Address						

Notes for Guidance

1. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems that 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 that we shall use to correspond with you about this application.

Part 4 – Other relevant information

		Please tick		
		Yes	No	
Have you made an application or enquiry relating to this premises?			X	
If yes please state the date of that application		Day		Year

If you have made any representations before relating to this premises, please state what they are and when you made them.

ASP Version 3.4.0Lancashire Constabulary Sleuth Live Sleuth

Incident Report - LC-20170926-1368

Date: 26/09/2017

Time: 18:43 hours

Informant: STAFF AMBULANCE

Informant Contact Numbers: 01772867749,

Informant Address: AMBULANCE HEADQUARTERS,449 GARSTANG ROAD,BROUGHTON PRESTON
PR35LN

Incident Location: WD25

Incident Address: 92 TODAYS LOCAL LORD STREET FLEETWOOD

Class: Suspicious Circumstances

Type: CONTACT COUNCIL 9AM

Details: SMALL EXPLOSION INSIDE THE SHOP BEHIND THE COUNTER---THERE IS A 17YO MALE
INJURED - CHUNK OF ELG MISSING---NO EXPLANATION FOR THE EXPOLSION-SMELL OF LIGHTER
FLUID---ONLY 1 KNOWN INJURED NOT SURE IF ANYONE ELSE IN THE STORE---AMB CALLING FIRE---
WILL

Officer Dealing: 4326

Involved Vehicles:

Officers Attended: 4326

Call Signs Attended: WD41L WDCAR1L WD20L

Local Requirements: AO

Related Actions:

26/09/2017 18:44 hours 14464 14464 - (Q-CAL086)

SMALL EXPLOSION INSIDE THE SHOP BEHIND THE COUNTER

26/09/2017 18:45 hours 14464 14464 - (Q-CAL086)

THERE IS A 17YO MALE INJURED - CHUNK OF ELG MISSING

26/09/2017 18:45 hours 14464 14464 - (Q-CAL086)

NO EXPLANATION FOR THE EXPOLSION

SMELL OF LIGHTER FLUID

26/09/2017 18:46 hours 14464 14464 - (Q-CAL086)

ONLY 1 KNOWN INJURED NOT SURE IF ANYONE ELSE IN THE STORE

26/09/2017 18:46 hours 14464 14464 - (Q-CAL086)

AMB CALLING FIRE

26/09/2017 18:46 hours 11889 11889 - (WD-FAC)

WILL CALL THE FIRE SERV

26/09/2017 18:47 hours 14464 14464 - (Q-CAL086)

MALE IS NATHAN LEICTER

26/09/2017 18:47 hours 14464 14464 - (Q-CAL086)

INFORM FIRE AND A PATROL TO THE SCENE TO ASSESS PLEASE - OFFICERS SAFETY TO COME FIRST - NOT TO ENTER THE BUILDING IF IT DOESN'T LOOK SAFE

26/09/2017 18:47 hours 14464 14464 - (Q-CAL086)

INFT IS GIRLFIREND CALLED ABBY -07 [REDACTED]

26/09/2017 18:47 hours 14464 14464 - (Q-CAL086)

ANB REF 17733193 8 MIN ETA

COULD THIS BE AN E-CIG THAT HAS EXPLODED IN HIS POCKET???

26/09/2017 18:53 hours 11222 11222 - (WD-DIS1)

WD41L - THE MALE WORKS BEHIND THE COUNTER, HE HAS HAD THE HEATER ON FAR TOO CLOSE TO GAS LIGHTERS AND IT HAS EXPLODED

26/09/2017 18:59 hours 11222 11222 - (WD-DIS1)

WD20L AWARE

26/09/2017 19:01 hours 11222 11222 - (WD-DIS1)

WD41L - FIRE HAVE TAKEN PHOTOS AND WILL BE HSE JOB - FIRE CHECKING THAT NO MORE LIGHTER FLUID WILL EXPLODE

26/09/2017 19:01 hours 11222 11222 - (WD-DIS1)

26/09/2017 19:02 hours 11222 11222 - (WD-DIS1)

WO11 - PLEASE ADVISE HSE OF THIS AND SEE WHAT THEY WILL NEED

26/09/2017 19:02 hours 11222 11222 - (WD-DIS1)

WD41L - TRAUMA INJURY TO LEG - TAKEN SKIN OFF

26/09/2017 19:03 hours 12047 12047 - (WD-FAC)

CONTACTING HSE

26/09/2017 19:03 hours 12047 12047 - (WD-FAC)

OUT OF HOURS NUMBER

26/09/2017 19:06 hours 12047 12047 - (WD-FAC)

HSE SAY THAT THIS WOULDNT BE IN THEIR REMIT

26/09/2017 19:06 hours 12047 12047 - (WD-FAC)

SHOPS COME UNDER LOCAL AUTHORITIES

26/09/2017 19:07 hours 11222 11222 - (WD-DIS1)

WO11 ADVISED

26/09/2017 19:14 hours 11222 11222 - (WD-DIS1)

26/09/2017 19:16 hours 4326 4326 - (WCFSTORM03)

NATHANS MOBILE NUMBER IS 07 [REDACTED] HIS HOME ADDRESS IS [REDACTED]
FLEETWOOD

26/09/2017 19:27 hours 11222 11222 - (WD-DIS1)

26/09/2017 19:28 hours 11222 11222 - (WD-DIS1)

WD41L - FIRE ARE GETTING AN INCIDENT MANAGER DOWN

26/09/2017 19:28 hours 11222 11222 - (WD-DIS1)

26/09/2017 19:32 hours 11222 11222 - (WD-DIS1)

RESPONSE PARAMEDIC AND AMB HAVE BEEN AND AMB HAVE TAKEN NATHAN TO BVH AND THE
PARAMEDIC IS STILL HERE

26/09/2017 19:40 hours 11222 11222 - (WD-DIS1)

WD20L - POLICE ARE RESUMING - ONE LIGHTER FLUID CONTAINER HAS BEEN IGNITED - NO
REQUIREMENT FOR CSI AND NO FURTHER POLICE ACTION

26/09/2017 19:40 hours 11222 11222 - (WD-DIS1)

IT WAS AN ACCIDENT

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

WD41L - WILL BUT REPORT TOGETHER FOR THE COUNCIL AND FIRE WILL BE LEAD AGENCY

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

Disposition code: , '353'

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

Handling Officer 4326

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

Other Factors, No Qualifiers

26/09/2017 19:41 hours 11222 11222 - (WD-DIS1)

LC-20170926-1368 HAS BEEN DISPOSED

26/09/2017 20:54 hours 12047 12047 - (WD-FAC)

LOG RE-OPENED FOR COMMS TO CONTACT COUNCIL AM RE THIS

26/09/2017 20:54 hours 12047 12047 - (WD-FAC)

IF EMAIL ADDRESS CAN BE OBTAINED

26/09/2017 20:54 hours 12047 12047 - (WD-FAC)

AS OFFICER DEALING 4326 IS SCRIPTING EMAIL FOR THEM WITH THE DETAILS

26/09/2017 20:54 hours 12047 12047 - (WD-FAC)

ONCE WE HAVE EMAIL ADDRESS IF WE CAN ASK FCM TO FORWARD THE EMAIL FROM 4326 REGARDING THIS

26/09/2017 20:55 hours 12047 12047 - (WD-FAC)

Reason for Deferral:- CONTACT COUNCIL AM

26/09/2017 21:05 hours 4326 4326 - (WEBSTORM)

WD41L - FIRE ARE STILL AT SCENE CONDUCTING THEIR INVESTIGATION IN RELATION TO THIS. I HAVE SEIZED THE OFFENDING GAS CANISTER AND BOOKED THIS INTO ERP UNDER REFERENCE AQ/31134/17

26/09/2017 21:05 hours 4326 4326 - (WEBSTORM)

ALONG WITH THE CCTV WHICH CAPTURED THE INCIDENT. FIRE WILL INPUT THEIR OWN REPORT BUT IT IS POLICE RESPONSIBILITY TO INFORM THE COUNCIL. CAN THE LOG BE DEFERRED FOR THE MORNING

26/09/2017 21:05 hours 4326 4326 - (WEBSTORM)

FOR A PHONE CALL TO BE PUT IN TO THE COUNCIL TO OBTAIN AN EMAIL ADDRESS. I WILL CONSTRUCT AN E-MAIL AND FORWARD IT TO THE FORCE MAILBOX IF THIS CAN THEN BE FORWARDED IN THE

26/09/2017 21:05 hours 4326 4326 - (WEBSTORM)

MORNINING.

26/09/2017 21:07 hours 12047 12047 - (WD-FAC)

4326 - PLEASE CAN THIS ALSO BE TAGGED FOR LICENCING

27/09/2017 09:36 hours 14089 14089 - (WD-FAC)

CALLING WYRE COUNCIL

27/09/2017 09:36 hours 14089 14089 - (WD-FAC)

GETTING PUT THROUGH TO LICENSING TEAM TO MAKE SURE IT IS CORRECT DEPT. TO SPEAK TO

27/09/2017 09:39 hours 14089 14089 - (WD-FAC)

SPOKE TO LICENSING DEPT AND IT APPEARS THEY WERE ALREADY AWARE AND SPOKEN TO A POLICE OFFICER CALLED EMMA FORM LICENSING TEAM. THEY ARE VISITING THE STORE TODAY - WERE ALREADY

27/09/2017 09:39 hours 14089 14089 - (WD-FAC)

AWARE OF SHOP ON UNRELATED INCIDENT AND WILL BE DEALING WITH THIS ADDITIONALLY.

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

FROM VIEWING LOG THERE IS NO REQUIREMENT FOR POLICE AND DEALT WITH BY LICENSING

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

Handling Officer 4326

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

Qualifiers,Asst O_the_Agency

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

Other Factors,No Qualifiers

27/09/2017 09:40 hours 14089 14089 - (WD-FAC)

LC-20170926-1368 HAS BEEN DISPOSED



Licensing File Note

Premises : TODAY'S LOCAL, 92 LORD STREET, FLEETWOOD

Information/Complaint: INTERVENTION FOLLOWING FAILED ALCOHOL TEST PURCHASE

Log/Crime Number :

Date premises visited : WEDNESDAY 20TH SEPTEMBER 2017

Persons Spoken to : ARUMUGAM KALAMOHAN (PREMISES LICENCE HOLDER) & NATHAN NIROSHAN (MOHAN RETAIL GROUP)

Action Taken: AN ALCOHOL TEST PURCHASING OPERATION WAS CONDUCTED BY LANCASHIRE TRADING STANDARDS OFFICERS RICK WILSON, LAUREN BREGGAN, WYRE COUNCIL OFFICER NIKY BARRETT, PC 4107 PRITCHARD AND PS 1747 PARKINSON ON FRIDAY 15TH SEPTEMBER 2017. AT 19:50HRS A 15 YEAR OLD FEMALE VOLUNTEER WAS SOLD A BOTTLE OF WHITE WINE. THE SELLER WAS IDENTIFIED ON THE EVENING AS NATHAN LESTER (DOB 06/08/1999) WHO STATED HE HAD NOT RECEIVED ANY DOCUMENTED STAFF TRAINING IN RELATION TO PROOF OF AGE AND THAT HE HAD BEEN WORKING AT THE PREMISES FOR 4 WEEKS. PC PRITCHARD ASKED TO SPEAK TO A MEMBER OF MANAGEMENT AS NATHAN WAS THE ONLY PERSON PRESENT IN THE SHOP. NATHAN MADE A CALL ON HIS PHONE AND VIGI PASKER CAME DOWNSTAIRS AND STATED HE WAS LOOKING AFTER THE SHOP WHILST THE DPS RICHARD ANTHONYS WAS AWAY LOOKING AFTER ANOTHER SHOP. VIGI SAID HE WAS LIVING ABOVE THE SHOP. I ASKED WHEN RICHARD ANTHONYS WAS LAST THERE AND HE SAID "PROBABLY ABOUT 4 MONTHS AGO". VIGI COULD NOT SHOW ANY STAFF TRAINING AND HE SAID THIS WAS KEPT BY HEAD OFFICE WHICH IS 'MOHAN RETAIL' BASED IN AMERSHAM.

VIGI DID SHOW THE CHALLENGE POLICY ON THE TILL AND ALSO PRODUCED A REFUSALS REGISTER FROM UNDERNEATH THE TILL. I LEFT MY CONTACT DETAILS AT THE PREMISES AND WAS CONTACTED ON MONDAY BY NATHAN NIROSHAN OF MOHAN RETAIL GROUP AND I ARRANGED A MEETING AT THE PREMISES.

ON 20TH SEPTEMBER 2017 I ATTENDED THE PREMISES AND SAW THAT NATHAN LESTER WAS WORKING AT THE PREMISES ALONG WITH ANOTHER TWO ASIAN MALES AND A THIRD ASIAN MALE IDENTIFIED HIMSELF AS NATHAN NIROSHAN. NATHAN LESTER SAID "HAVE YOU

COME TO TRAIN ME". AS THERE WAS NO OFFICE/ ROOM IN THE SHOP MR NIROSHAN SUGGESTED WE GO TO A COFFEE SHOP TO DISCUSS THE ISSUES AND I ASKED IF THE DPS RICHARD ANTHONYS WAS THERE AND HE SAID NOT. WE THEN LEFT THE PREMISES AND I GAVE MR NIROSHAN WARNING LETTERS TO GIVE TO THE DPS AND THE PLH AND WHEN I ASKED WHERE THE LICENCE HOLDER WAS MR NIROSHAN SAID HE WAS BACK AT THE SHOP. I ASKED WHY HE WAS NOT PART OF THE MEETING AND MR NIROSHAN SAID IT WAS BECAUSE HIS ENGLISH WAS NOT THAT GOOD. THE LICENCE HOLDER ARUMUGAM KALAMOHAN THEN CAME TO JOIN US.

MR NIROSHAN SHOWED ME A FOOD & HYGIENE AND A DOCUMENTS & TRAINING FOLDER. THIS FOLDER CONTAINED CHALLENGE 25 TRAINING AND HOW TO SPOT FAKE ID, WHERE TO POSITION ALCOHOL ETC. HE ALSO SHOWED ME A SHEET OF PAPER SIGNED BY THE SELLER NATHAN LESTER TO SAY HE HAD BEEN TRAINED IN THE CHALLENGE 25 POLICY AND THIS WAS DATED ON TODAYS DATE. MR NIROSHAN APOLOGISED FOR THIS DELAY IN TRAINING AND SAID THEY HAVE A PROBLEM WITH A HIGH TURNOVER OF STAFF IN THE SHOP. DUE TO NO TRAINING AND HIM HAVING AUTISM IT HAS BEEN DECIDED NOT TO ISSUE A FIXED PENALTY NOTICE TO NATHAN LESTER.

MR NIROSHAN ALSO SAID THAT THERE HAS BEEN A PROBLEM WITH NATHAN LESTERS PAYROLL NUMBER AND THIS IS WHY HE GOT CASH IN HAND AND THIS HAS NOW BEEN RECTIFIED AND HE WILL BE PAID MONTHLY FROM NOW ON.

MR NIROSHAN SAID THAT THE DPS RICHARD ANTHONYS WAS CURRENTLY ON HOLIDAY AND WOULD BE BACK THE END OF NEXT WEEK. I EXPRESSED MY CONCERN THAT HE WAS NOT IN DAY TO DAY CONTROL OF THE PREMISES AS HE SHOULD BE AS DPS BUT THE PLH MR KALAMOHAN SAID THE DPS WAS AT THE SHOP REGULARLY. I ALSO SAID I WAS CONCERNED IN HIS ABILITY TO MANAGE THE PREMISES AS WHILST HE HAS BEEN DPS THERE HAVE BEEN 3 FAILED TEST PURCHASES AND A MEMBER OF STAFF HAS WORKED AT THE PREMISES WITHOUT BEING TRAINED WHICH IS VERY CONCERNING.

I GAVE MR KALAMOHAN A LANCASHIRE TRADING STANDARDS CHALLENGE 25 PACK WHICH INCLUDED STAFF TRAINING, QUIZZES, POSTERS AND BADGES. I ALSO SAID THAT DUE TO PREVIOUS FAILED TEST PURCHASES AND LACK OF TRAINING AS WELL AS CONCERNS OVER MANAGEMENT I WOULD BE SUBMITTING A REVIEW OF THE PREMISES LICENCE AND WOULD LOOK TO SEEK A CHANGE OF DPS, ADDITIONAL CONDITIONS AND SUSPENSION.

Officer: PC 4107 PRITCHARD

Further Action Required Yes

If 'Yes' Indicate details REVIEW

TODAY'S LOCAL
92 LORD STREET
FLEETWOOD
FY76JZ

DATE :- 20/09/17

I Nathan Lester hereby confirm that I have been trained with the alcohol licensing laws by the designated premises supervisor. I also confirm that I Nathan Lester will be responsible for the consequence if I don't work according to the licensing law.

I Nathan Lester have also been trained on the subject of acceptable age identification, how to use the **NO ID NO SALE logbook and the CHALLENGE 25 POLICY** so if I fail to do any of the subjects in which I have been trained I Nathan Lester will be responsible for the entire outcome

signature of employee : 

Authority to sell alcohol

I, ANDREW DAVIS being a Personal Licence

holder, hereby certify that
EMMA REDDINGTON SCATHORP ^{Name change 15/9/16}
has received training in licensing law, company policy and their
responsibilities when selling alcohol.

I therefore authorise EMMA to sell alcohol by
retail for consumption off the premises at 92 OR 135
LORD ST. FLEETWOOD

Signed [Signature]
Print Name A. R. DAVIS
Dated 16/1/16

I, EMMA SCATHORP
REDDINGTON am aware of my
responsibilities with regard to licensing law. I understand that I am
authorised to sell alcohol.

Signed [Signature] ES Scathorp
Print Name Emma Reddington
Dated 16-1-16

I, Nathan Lester am aware of my responsibilities
with regard to Licensing Law. I understand that
I am authorised to sell alcohol.
[Signature] Nathan Lester 20/09/17

25-Policy

To be read & signed by all staff.

At Bargain Booze, we operate a strict "25-Policy" and have signs and notices on display in the store to advertise this policy.

What this "25-Policy" means is simply:

1. If you suspect a customer buying alcohol appears to be under the age of 25, then you must ask for proof of age.
2. If they cannot provide any form of acceptable photo ID, then politely refuse service.
3. If they CAN provide an acceptable form of photo ID that shows them to be age 18 or over, then you can serve them.

If the customer you suspect to be under 25 has no form of acceptable ID, but protests that they are 20 or 21, for instance, then you **CANNOT** give them the benefit of doubt and serve. Once you have the seed of doubt in your mind that they may be under 25 and they cannot prove otherwise, then the sale **MUST** be refused. Do not risk a criminal conviction and a fine of up to £5000 - **REFUSE THE SALE**. You may also be issued with an £80 fixed penalty notice (on the spot fine) for disorder by Police if an underage sale is made.

**** Please note - remember: if the customers ID shows them to be 18 or over, then you can serve them. The 25-Policy DOES NOT mean that we only serve customers aged 25 or over it means that we ask for ID if we suspect them of being under 25.**

The following acts and omissions are regarded as gross misconduct and could lead to your instant dismissal without notice.

1. Selling intoxicating liquor, cigarettes, lottery or any other age restricted product to persons who are underage.
2. Not complying with the Under 25 Policy.

If you need glasses or corrective lenses to read, it's a requirement that you wear them every time you check a person's ID, to ensure that you are complying with the Challenge 25 Policy

Would you please acknowledge that you have understood these instructions by signing and dating below.

Name of Employee
(Print).....

EMMA REDDINGTON

Signature of
Employee.....

EMMA REDDINGTON

EMMA REDDINGTON

Date.....

16-1-16

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
01	Example 01/11/2018	Cigarettes	7:10 PM	Male 14 years Blonde, 5ft 11"	Nervous and refusing to show ID	Allen Smith
02	16/05/2017	Cigarettes	17:41pm	Male, tall, dark hair.	NO ID. young bags outside	Charley.
03	16/05/2017	Fog Papers	17:45pm	Male, young 15	NO ID. looked tue young.	Charley.
04	09/09/17	Raw papers	17:25pm	Male, blonde hair, dark blue eyes	NO ID - looked tue young	Nathan.
05	12/09/17	cigarettes	17:26pm	male, medium build, small, grey jacket	NO ID, looked tue young	Nathan
06	16/09/17					
07	16/09/17	Alcohol	15:27pm	white, tall, blonde hair, grey jumper	NO ID, looked tue young	Nathan.
08						

Manager's Signature:

Date:



Refusals and Challenges Log

739915

Staff Name	Date & Time	Product Type		Reason for Refusal			Drunk	Fake ID	Other	Description of the person refused the sale	Sale Permitted - If provided			
		Alcohol	Other	Looks underage & No ID	Buying for underage	UK Photo Driving Licence					Valid UK Passport	PRSS Card	Other ID provided (please specify)	
Sushb	12/11/14	✓		19						He doesn't have a valid ID				
Ashen	12/11/14	✓		18						NO ID				
Richard	12/12/14	✓		15						No ID				
Max	12/19/14	✓			✓					Buying for son				
Ramon	12/19/14	✓		17	✓					Buying for son				
Richard	12/19/14	✓		✓						NO ID				
Vigi	30/05/14		Tobacco	17	✓					Blond hair short				
Vigi	05/05/12		"	✓	✓					NO ID				
Vigi	29/10/14	✓		✓						NO ID				
Vigi	09/10/12		Tobacco	-						NO ID				
Vigi	18/06/12	✓	Tobacco	16	✓					Slim Girl NO ID				
Vigi	02/10/12		Tobacco							no id.				

5/20
L...
...

Incident Report Form

To be completed by staff within 7:50pm hours of incident/accide

Venue: Tockys local, 92 local street

Date of Incident: 15/09/17 Time of Incident: 7:50

Brief Description of Incident:

I Nathan Lester forgot the law was 25 and i served an under age girl with alcohol, i thought that she looked 18, so i check her ID

Person to Be Excluded:

Name: Nathan Lester Date of Birth: 06/08/99

Address: 42 Warren Street, Fleetwood Postal Code: FY7

Police Records:

Police Incident No: _____ Police Attended: Yes _____

Police Officer Name and Collar No: _____

Witnesses: (Names and Contact Numbers)



**Lancashire
Constabulary**
police and communities together

Nightsafe Department
Bispham Police Office
Red Bank Road
Blackpool
Lancashire
FY2 0HJ

20th September 2017

Dear Mr Arumugam Kalamohan,

Re: Failed Test Purchase – Today's Local, 92 Lord Street, Fleetwood, Lancashire, FY7 6JZ.

On Friday 15th September 2017 the above premises was visited as part of an alcohol Test Purchasing Operation. At 19:50hrs a member of staff identified as Nathan Lester sold a bottle of wine to a 15 year old female volunteer, contrary to section 146 of The Licensing Act 2003.

No proof of age training had been given to the seller Nathan Lester and he had allegedly been working at the premises for 4 weeks. May I remind you that as the Premises Licence Holder it is your responsibility to exercise due diligence and ensure that staff undergo proof of age training. Please ensure all staff complete documented proof of age training as a matter of urgency. Refresher training should then be completed every 3 months.

On Tuesday 19th September 2017 I visited the premises with Niky Barrett senior Licensing Officer for Wyre Council. The premises were found to be operating outside the conditions of the premises licence as outlined below.

'A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol for any person or to purchase alcohol on behalf of a person under 18 years of age.'

There is currently only one 'challenge 25' poster located behind the till area, none at the entrance. Please ensure more posters are displayed advising of

the above. I can email examples of this if you require, I will also bring a challenge 25 pack to the premises.

All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.

As stated above the male that sold alcohol to the 15 year old volunteer had not undergone any proof of age training. I was also unable to see any training completed by the other member of staff on the premises Viga Pasker.

I would also advise that in accordance with section 136 (1) of The Licensing Act 2003 "A person commits an offence if a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation, b) he knowingly allows a licensable activity to be so carried on".

The maximum penalty for this offence is six months imprisonment and/or an unlimited fine.

I would also advise that at the time of my visit no premises licence summary was on display which is an offence contrary to section 57(4) of The Licensing Act 2003.

Please ensure this is on display so that it is visible to customers.

Please also be mindful of the below:

The Premises Licence Holder commits an offence of persistently selling alcohol if, on two or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person aged under 18, contrary to section 147A of the Police and Social Reform Responsibility Act 2011. The maximum fine for the offence of persistently selling alcohol to children is £20,000 and the premises licence could be suspended for up to three months by the Courts. Alternatively a closure notice (prohibiting the sale of alcohol from premises) could be given ranging from 48 hours to a maximum period of 336 hours (14 days).

It is likely that these premises will be re-tested within 3 months of 15th September 2017 and if alcohol is sold to the underage volunteer you will be prosecuted for the above offence.

A copy of this letter will be retained on your premises file and maybe used against you in subsequent hearings.

If you have any queries please do not hesitate to contact me,

Yours sincerely,

EP, Howard

PC 4107 Emma Pritchard
West Licensing Officer
Blackpool Central
01253 604007



Licensing File Note

Premises : TODAY'S LOCAL, 92 LORD STREET, FLEETWOOD

Information/Complaint: INTERVENTION FOLLOWING FAILED ALCOHOL TEST PURCHASE

Log/Crime Number : LC-20160916-1058

Date premises visited : 14:00HRS WEDNESDAY 21ST SEPTEMBER

Persons Spoken to : RICHARD NEPOLEAN ANTONIS (DPS)

Action Taken: ANO ALCOHOL TEST PURCHASING OPERATION WAS CONDUCTED BY PC 4107 PRITCHARD AND PS 1747 PARKINSON ON FRIDAY 16TH SEPTEMBER 2016. AT 21:04HRS A 15 YEAR OLD MALE VOLUNTEER WAS SOLD A 4 PACK OF ORANGE WKD PRICED AT £4.99. THE SELLER WAS IDENTIFIED ON THE EVENING AS SHINOY KALUVAKATHE (DOB 21/02/1988) AND PC 4107 PRITCHARD ISSUED HIM WITH A £90 FIXED PENALTY NOTICE AT 22:03HRS ON FRIDAY 16TH SEPTEMBER.

PC PRITCHARD LATER CONTACTED THE DPS RICHARD ANTONIS AND ARRANGED A MEETING AT THE PREMISES REGARDING THE ABOVE AT 2PM ON WEDNESDAY 21ST SEPTEMBER.

WHEN PC PRITCHARD ATTENDED THE PREMISES THE DPS MR ANTONIS SHOWED ME THAT SHINOY HAD BEEN TRAINED WHEN HE FIRST STARTED WORKING AT THE PREMISES ON 9TH SEPTEMBER (A WEEK AGO). THERE WAS A 'CHALLENGE 25 LOG BOOK' THAT HAD BEEN SIGNED BY SHINOY WHICH STATED HE HAD BEEN TRAINED. MR ANTONIS TOLD PC PRITCHARD THAT SHINOY HAD NOW BEEN SACKED BECAUSE HE WAS CONCERNED THAT HE WAS NOT CONFIDENT ENOUGH TO CHALLENGE PEOPLE. MR ANTONIS ALSO SHOWED ME A SIGNED TRAINING STATEMENT THAT SAID HE COULD GET A FPN, £20,000 FINE AND 6 MONTHS IMPRISONMENT FOR SELLING ALCOHOL TO A PERSON UNDER 18 AND SHINOY ALSO DID A QUIZ IN RELATION TO THIS.

MR ANTONIS SHOWED ME A FOLDER LABELLED 'LICENCE FOLDER' CONTAINING STAFF TRAINING DOCUMENTS AND INFORMATION REGARDING OFFENCES, WHERE IN THE SHOP TO POSITION ALCOHOL, HOW TO RECOGNISE FAKE ID ETC.

THERE WAS ALSO A PAPER REFUSALS REGISTER IN PLACE WHICH WAS UP TO DATE FROM 18TH FEBRUARY ONWARDS. THERE WAS ALSO A TILL PROMPT SYSTEM IN PLACE.

MR ANTONIS WAS WARNED THAT IT WAS LIKELY THE PREMISES WOULD BE TESTED AGAIN AND THAT IF THE PREMISES WAS TO FAIL TWICE WITHIN A THREE MONTH PERIOD IT WOULD BE A PERSISTANT SALES OFFENCE WHICH COULD MEAN A CLOSURE OF UP TO 14 DAYS OR A PROSECUTION/ REVIEW OF LICENCE. HE SAID HE WAS AWARE OF THIS AND WOULD ENSURE IT DID NOT HAPPEN AGAIN.

Officer: PC 4107 PRITCHARD

Further Action Required Yes

If 'Yes' Indicate details RE-TEST PREMISES

Application

Pronto Hub Lancashire Admin Production - Live

Refresh

My Documents

Search

Attention Required

Shifts

Notebook Entries

Incidents

Photos

Persons

Vehicles

Locations

Property

Organisations

Statements

ABE1

MG11 Officer Only

MG15

Use of Force

Sudden Death

Section 34 and 35s

Injury Collision Report Form

Traffic Offences

HORT1

VDRS

CLE26

Section 59

Section 165

PND

Stop Searches

Youth Referrals

Calling Card

Fingerprint Consent

PND

PND: 0048037545702418

Name

Title

Mr

Surname

kaluvakathe

Forenames

shinoy

Date Of Birth

Age

28

Sex

Male

Ethnic Codes

Officer Reported *4 Asian*

Self Classified *A1 Indian*

Phone Number

Home

Work

Mobile

Occupation

Height

160cm - 165cm (5ft 6in)

Build

Slim

Description/Visible Marks/Features

Blue glasses Asian thick hair beard

ID Checks Made

PNC Check

ID Details

Pnc

➤ Invalid Documents

➤ Outbox

Address

House Name	
House Number	-
Street	
Town	<i>Newcastle</i>
Postcode	<i>NE4 5LE</i>

Time and Location

Offence Date & Time	<i>16-09-2016 21:04</i>
Issue Date & Time	<i>16-09-2016 22:03</i>
Location	Road <i>Lord Street</i>
	Town <i>FLEETWOOD</i>

Offence

Offence Code	<i>LG03064</i>
Offence Namely	<i>Sell Alcohol To A Person Aged Under 18</i>
Act	<i>s.146(1) and (7) Licensing Act 2003</i>
Penalty Amount	<i>£90</i>
Witness Statement Taken	<i>No</i>
Reply to Caution	<i>it's my mistake</i>

Notice Number	0048037545702418
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Misc

Additional Details	
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Incident Details

Incident Date	16-09-2016
Incident Log Number	1058
Incident Log Reference	LC-20160916-1058

Premises	Super News and Booze, Fleetwood
Date of meeting	18th August 2013
Present	Richard Anthony's (DPS) Tiffany Spears (Asst. Manager) PS Dave Forshaw – Police Licensing

Test purchase operation

During the evening of Friday 27th July 2013 a test purchasing operation was carried out in the Fleetwood area. During this operation, Super News and Booze was tested and a 15 year old male was sold 4 bottles of lager, value £4.49. An age challenge was made but when the staff member was told that they did not have any identification they went ahead and sold to them anyway. The seller has been later identified as Raja Ravinda who has since ceased employment with the store.

Licensing inspection – 12 September 2013

As a follow up to this recent failure, a licensing inspection was conducted during the morning of Thursday 12th September 2013, The DPS was present. The purpose of this inspection was to check what systems are in place to prevent under age sales and to try and determine the reasons for the under age sale that occurred.

The following points were noted in this inspection:

- Statutory notices and challenge 25 posters were on prominent display behind the till.
- The computerised till had a till prompt system in place that ensures the operator makes a decision about the person they are selling age related products to. This was seen to be working.
- The method of recording age related challenge / refusals was seen to be a book. This is used regularly by different members of staff.
- Regarding training, I only saw a single sheet, signed by Richard that represents confirmation of training. No other records or content of training was available. I was told that training is verbal.
- CCTV system is excellent. Approximately 16 cameras recording for 28 days. Date / time stamp correct.

- Premises licence was inspected.

During the above inspection, staff members were discussed and it appears that there is a very high rate of staff turnover in this premises with different staff coming and going and staying only for a short time.

As a result of the above check, I believe the reason for the test purchase failure was because an untrained, relatively new member of staff was making sales without the requisite knowledge. It is clear however, that some efforts are being made to show due diligence in respect of age relating product sales.

Formal warning

It is pointed out that as a result of the above points, the DPS has failed to comply with the licence and uphold the licensing objective of protecting children from harm. Evidence of this failure can be used in any future licensing committee meeting should it be required.

Note - All test purchase failures are routinely re tested.

Surgery Meeting 18th September

During this meeting, several documents were seen that show that there appears to be a good training system in place in the store:

- Training document written by ACS Licensing solutions detailing the content of the training given.
- Tests given to different staff, testing them on the training given and signed by those staff members.
- Agreement forms signed by staff confirming they are aware of their obligations with regard to licensed sales.
- DPS and PLH checklists.

Following this meeting, it is clear that good due diligence is taking place and only one recommendation follows. That is to ensure that this good practice for training existing staff also applies to new starters. This should apply to brand new staff as well as those transferring in from other stores where their record is not known. I would advise that this happens during any induction given and before they commence selling.

Compliance with this will go further to help protect children from harm.

PS Dave Forshaw

Licensed Premises Intervention Visit



**Lancashire
Constabulary**
police and communities together

Premise Name, Number, Address, Postcode		SUPER NEWS + Booze. 92 WOOD ST. FWOOD FY7 6JZ		APP Reference E 010253
A. Premises License Present		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOTES/CORRECTIVE ACTION REQUIRED
1. Statutory tobacco notice displayed prominently		<input checked="" type="checkbox"/>	<input type="checkbox"/>	OVER TILL.
2. Refusal/Challenge recording system		<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEEN + IN RECORDING
3. Challenge policy adopted (21/25)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	(25).
4. Challenge policy inspected		<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOT AVAILABLE
5. Documented staff training		<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO RECORD PRESENT.
6. Staff refresher training		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DATE OVERSAILY - SIGN DOCUMENT EACH WEEK (BUT NO ACTUAL TRAINING)
7. Till prompt system present		<input checked="" type="checkbox"/>	<input type="checkbox"/>	COMPUTERISED TILL - FULL SYSTEM FOR ALCOHOL + TOBACCO.
8. Other age related point of sale literature displayed		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Age check or other Due Diligence Resource utilised		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
TRADER NAME (BLOCK LETTERS)			TRADER SIGNATURE	
Richard Anderson (JA)			A-P SIGNATURE	
DATE OF VISIT		CORRECTIVE ACTION BY/DUE DATE		COLLAR NUMBER/APP ID
12/1/13				1643
ADDITIONAL NOTES		OFFICER NAME		OFFICER CONTACT NO
GOOD CCTV SYSTEM - 16 CAMERAS - RECORDS 1 MONTH. DPS KNOWS HOW TO OPERATE + DEMONSTRATED RECORDING		PS - JKSHTW		09524 596648

POLICE COPY

Lancashire
County Council

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **James Peter HORTON**

URN

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Age if under 18 Over 18 (if over 18 insert "over 18"). Occupation **Police Community Support Officer**

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

Dated the **29** day of **July** **2013**Tick if witness evidence is visually recorded
(supply witness details on rear)Signature *TPH* 7710

I am James Peter Horton, employed as a Police Community Support Officer by Lancashire Constabulary and currently based at Lancaster Police Station.

This statement is in relation to a sale of alcohol that I witnessed at 2202hrs on SATURDAY 27th JULY 2013 at SUPER NEWS AND BOOZE, LORD STREET, FLEETWOOD.

At this time I was on duty in plain clothes engaged on a test purchase operation in company with PC 3871 LADLOW and two Trading Standards Officers, COLIN BUTT and SAM HARRISON. We were also in company with two test purchase volunteers whom I shall refer to as TP1 – LUCY and TP2 – JAMES. Their true identities are recorded in PC 3871 LADLOW's pocket Notebook.

At this time TP2 - JAMES was asked to enter SUPER NEWS AND BOOZE and attempt to buy 4 bottles of lager. Trading Standards Officer SAM HARRISON and I walked into the store and maintained observations. I saw TP2 – JAMES approach the till and place the 4 bottles of GROLSCH lager on the counter. There was a single Asian male behind the till, aged approximately 35 years old with short dark hair and wearing glasses . He was of small build wearing a white Dunlop polo shirt with a black and grey hooded top over it and blue jeans.

Signature *TPH* 7710

Signature witnessed by

Continuation of Statement / Interview of James Peter HORTON

The male took the items, rang them through the till and at this point asked TP2 – JAMES whether he had any identification. TP2 – JAMES placed his hands on the back pockets of his trousers and replied that he didn't have any to which the male behind the till told TP2 – JAMES the price, which was £4.49 and took the money from him. He then handed TP2 – JAMES the change and placed the items in a carrier bag.

TP2 – JAMES collected the alcohol from the counter and left the store.

I know TP2 – JAMES to be 15 years of age.

Signature *TWA 77.0*

Signature witnessed by *TWA 77.0*

Lancashire County Council

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

STATEMENT OF (name of witness): SAMUEL HARRISON

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

Occupation of witness: FAIR TRADING OFFICER

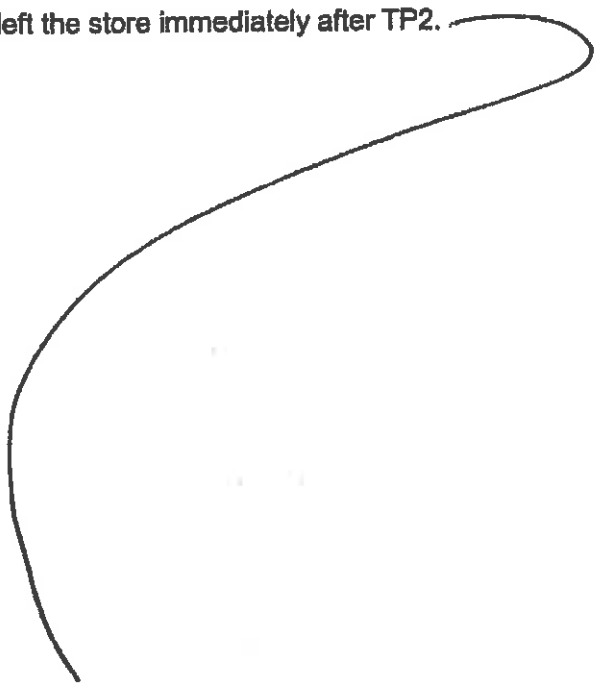
This statement (consisting of 1 pages each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 27th of July, 2013

(Signed)



I am employed by Lancashire County Council Trading Standards Service based at County Hall in Preston, attached to the Fair Trading Team. On 27th July 2013 in the course of my duties I visited Super News & Booze, 92 Lord Street, Fleetwood as part of an underage sales test purchasing operation for alcohol. Our volunteer, known as TP2, entered the store at approximately 22:00 followed by myself and PCSO JAMES HORTON. Whilst in the above store I witnessed TP2 successfully purchase 4 bottles of Grolsch beer. The person who served TP2 was male, approximately 5' 9" height, Asian, around mid 30's, wearing glasses. Following the sale I left the store immediately after TP2.



Signature: 

LP/QR/32/02



**Licensing Act 2003
Premises Licence**

PREMISES LICENCE NUMBER	PL(A)0391
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Part 1- Premises Details

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

Today's Local

92 Lord Street
Fleetwood
Lancashire
FY7 6JZ

COPY

Telephone number

WHERE THE LICENCE IS LIMITED THE DATES THAT APPLY

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

M. Sale of alcohol OFF the premises

LICENSABLE ACTIVITIES AUTHORISED TIMINGS

M. Sale of alcohol OFF the premises
MONDAY TO SUNDAY

07:00 - 23:00

OPENING HOURS OF THE PREMISES

SUNDAY 06:00 - 23:00

MONDAY TO SATURDAY 06:00 - Midnight

COPY

Part 2

NAME (REGISTERED) ADDRESS OF HOLDER(S) OF PREMISES LICENCE

Mr Arumugam Kalamohan
80 White Lion Road
Amersham
Buckinghamshire
HP7 9JS

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

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

Mr Diraj Devananden

92A Lord Street, Fleetwood, Lancashire, FY7 6JZ

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY
THE DESIGNATED PREMISES SUPERVISOR

Licence No WBCPA2067

Wyre Council

OPERATING CONDITIONS

ANNEX 1 - Mandatory Conditions

- 1.1 No supply of alcohol may be made under this licence
- a. at a time when there is no designated premises supervisor in respect of it or,
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Licensing Conditions (October 2014)

1. (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.

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

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
 - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
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.
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.

ANNEX 2

Conditions Consistent with the operating schedule

Prevention of Crime and Disorder

The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.

A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that a licensable activity takes place on the premises.

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. This will enable staff to assist officers should they request information to be provided from the system.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 28 days.

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.

A system of till prompts for all age related products will be installed at the premises and will be used during all transactions.

There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age.

Public Safety

Clear and unobstructed access shall be available to the premises for use by the emergency services and emergency service vehicles at all times.

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

Prevention of Public Nuisance

The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

Protection of children from harm

None

ANNEX 3

Conditions attached after a hearing by the licensing authority

None

ANNEX 4

Plan of Premises

Dated: 25 October 2011



**LICENSING ACT 2003 – Section 51
Application to Review a Premises Licence**

NOTICE IS HERBY GIVEN THAT an application has been made to Wyre Council as the Licensing Authority for a review of the premises licence in respect of the premises shown below.

Any other person or responsible authority may make representations in respect of this application for review. Such representations must be made in writing to the Licensing Manager, Wyre Council, Civic Centre, Breck Road, Poulton le Fylde, FY6 7PU, between the dates shown.

Further information, including forms which may be used to make representations, may be obtained from the Council's website at www.wyre.gov.uk/licensing or from the Licensing Team at the above address.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction is £5000.

NAME AND ADDRESS OF PREMISES:

TODAY'S LOCAL, 92 LORD STREET, FLEETWOOD, FY7 6JZ

THE GROUNDS FOR THE REVIEW ARE:

The premises has failed a number of test purchases in recent years despite repeated attempts by Police and Trading Standards Officers to encourage the management to introduce effective staff training and implement a challenge 25 policy. Shortly after the last failure, a member of staff suffered injuries which required surgery after a gas canister ignited in the shop. The Police therefore have no confidence in the ability of the management to uphold the licensing objectives.

REPRESENTATIONS MAY BE MADE BETWEEN THE FOLLOWING DATES

17 October 2017 and 14 November 2017

DATED: 16 October 2017



**LICENSING ACT 2003 – Section 51
Application to Review a Premises Licence**

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NAME AND ADDRESS OF PREMISES:

TODAY'S LOCAL, 92 LORD STREET, FLEETWOOD, FY7 6JZ

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REPRESENTATIONS MAY BE MADE BETWEEN THE FOLLOWING DATES

17 October 2017 and 14 November 2017

DATED: 16 October 2017

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

LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

**In the matter of the Licensing Review against Today's Local, 92 Lord Street,
Fleetwood FY7 6JZ.**

Statement of:

**Lauren Manning (Principal Officer)
4th Floor Lancashire Point
County Hall
Pitt Street
Preston
PR1 0LD**

Contact telephone number:

Mobile Number:

Email address: lauren.manning@lancashire.gov.uk

- I am Lauren Manning, Principal Officer, employed by Lancashire County Council Trading Standards Service in the Intelligence Management team.
- 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 to the Licensing Appeal Hearing on behalf of the Lancashire County Council Head of Service for Trading Standards.
- Lancashire County Council Head of Service for Trading Standards supports the application made by Lancashire Constabulary to review the licence of Today's Local, 92 Lord Street, Fleetwood FY7 6JZ, and supports the recommendation from the Police that the Wyre Council Licensing Sub-Committee considers the revocation of the premises licence.
- 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.

1.0 Licensing Objectives:

From a Trading Standards perspective, the licensing objectives that are relevant to this statement are the protection of children from harm and the prevention of crime and disorder.

1.1 The Protection of Children from Harm

The attached statement from Rick Wilson (Appendix 1) identifies that on 15th September 2017, a test purchase of a bottle of wine by a 15 year old volunteer, was

made from the premises. The seller, a shop assistant named Nathan Lester, did not query the volunteer's age or ask for any form of identification. When officers attended the premises to speak to the staff, the premises licence was not on display and an age verification policy could not be produced. Mr Lester stated that he had been working at the shop for nearly 5 weeks and that he had received no formal training in relation to the sale of age restricted products, other than being verbally told that he could only sell to people over the age of 18.

On 27th July 2013, two officers from Lancashire County Council Trading Standards Service were involved in an underage test purchasing operation for alcohol, together with Lancashire Police. The 15 year old volunteer made a purchase of 4 bottles of beer from the premises.

1.2 The Prevention of Crime and Disorder

On 4th February 2016 Lancashire County Council Trading Standards Service seized 37 bottles of Glen's Vodka from Today's Local, 92 Lord Street, Fleetwood FY7 6JZ, as they were suspected to be counterfeit.

Following analysis, the vodka was confirmed to be genuine but with counterfeit back labels applied to the bottles to avoid payment of excise duty. The manufacturer stated that the vodka would not be available through the normal supply chain and would have been obtained on the black market.

Attached as Appendix 2 is an email from Tom Taylor, Quality Manager for the Loch Lomond Group (manufacturer of Glen's Vodka). Attached as Appendix 3 is a photograph of the back label of one of the bottles.

Keeping such goods with the intent of defrauding Her Majesty of any duty payable on the goods is an offence under S.170 of the Customs and Excise Management Act 1979. This is a relevant offence under Paragraph 9 of Schedule 4 of The Licensing Act 2003.

A letter was subsequently sent to Mr Kalamohan at Today's Local enclosing a form for him to sign the goods over to Trading Standards for destruction, which he duly signed and returned. No further action was taken.

Paragraphs 11.27 & 11.28 of 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2017) states that:

'There is certain criminal activity that may arise in connection with licensed premises that should be treated particularly seriously. These are the use of the licensed premises

- ...for the sale or storage of smuggled alcohol and tobacco.

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime.

Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Given the history of the premises and the guidance above it is appropriate for Wyre Council Licensing Sub Committee to consider revocation of the premises licence.

2.0 Summary

Evidence presented highlights that Today's Local, 92 Lord Street, Fleetwood FY7 6JZ has not complied with the licensing objectives of the protection of children from harm and the prevention of crime and disorder, due to it selling alcohol to persons underage on 15th September 2017 and 27th July 2013, and possessing 37 bottles of smuggled Glens Vodka on 4th February 2016.

Due to the history of illegal activity at Today's Local, 92 Lord Street, Fleetwood FY7 6JZ, and considering the guidance documented in 'The Revised Guidance issued under Section 182 of The Licensing Act 2003' (Home Office April 2017), I would support the police recommendation that the Wyre Council Licensing Sub Committee consider revocation of the premises licence for Today's Local, 92 Lord Street, Fleetwood FY7 6JZ.

Statement of Truth-

I believe the contents of this statement to be true.

Signed: *L. Manning* Date: 19/10/17

Print name: LAUREN MANNING

APPENDIX 1

Lancashire County Council

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

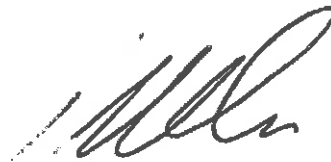
STATEMENT OF: RICK WILSON

Age of witness: Over 18

Occupation of witness: PRINCIPAL OFFICER

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

Dated the 27th day of September 2017 (Signed)



I am a Principal Officer at Lancashire County Council's Trading Standards Service Alcohol and Tobacco Team.

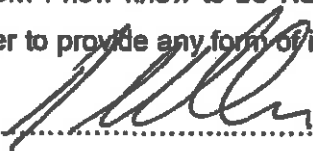
This is my account of when I participated in a test purchase operation for alcohol at a convenience store in Fleetwood on 15th September 2017. The operation was conducted by Lancashire Constabulary and Lancashire County Council Trading Standards Service.

I shall now introduce the people that I shall mention in my statement which includes; myself Rick WILSON, a Principal Officer at Lancashire County Council's Trading Standards Service, Police Sergeant 1747 Helen PARKINSON, Police Constable 4107 Emma PRITCHARD, both of Lancashire Constabulary, a 15 year old child volunteer, (date of birth 26/10/2001), Nathan LESTER, a shop assistant (date of birth 06/08/1999) of Fleetwood FY7 6EA and Vigi PASKAR, a shop manager of Liverpool L9 2LR.

The location of the test purchase was in Fleetwood, Lancashire, at a convenience store called "TODAY'S LOCAL". The convenience store is located at 92 Lord Street, Fleetwood, Lancashire, FY7 6JZ.

At approximately 19.50 I entered "TODAY'S LOCAL". Shortly afterwards, I saw fifteen year old [redacted] come into the shop and place a bottle of wine on the counter. [redacted] was served by a shop assistant whom I now know to be Nathan LESTER. At no time did Nathan query [redacted] age or ask her to provide any form of identification. [redacted] left the shop with a bottle

(Signed)
LP/QR/32/02



Lancashire County Council

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

Continued statement of: Rick Wilson

Page No: 2

of Chardonnay wine after being charged £6.99 for it by Nathan. I then made a small purchase and left the store.

I later returned to "TODAY'S LOCAL" with Police Sergeant Helen PARKINSON and Police Constable Emma PRITCHARD. I introduced myself to Nathan who was working unsupervised and was introduced to Vigi PASKAR who described himself as the store manager, who had been called down from the upstairs flat, as he was off duty.

I was unable to inspect any licensing conditions applied to the Premise Licence, issued by Wyre Borough Council, as none was on display or could be produced. A Statutory Tobacco Display Notice and a Check 25 poster were on display.

I asked to inspect the store's age verification policy. Vigi PASKAR searched the area behind the counter. No age verification policy could be produced and Vigi PASKAR stated that he had one 'somewhere'. I later received a copy of the premise licence and there is a specific condition which states that there shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age.

I did notice that the store utilised an Electronic Point of Sale system which prompts the seller to ask for identification once an age restricted product's barcode is scanned. The prompt displayed a clear message on the screen advising the shop assistant to challenge the customer for identification if they appeared to be under 25 years of age.

I asked Nathan if he had received any formal training by his employer. He confirmed that he had not. I asked if he had ever been provided with advice or guidance to prevent under age sales of alcohol and he said that he had been told not to sell to under 18s. I asked if he had ever been asked to answer any questions, either written or verbally, to test his knowledge and understanding relating to responsible relating of alcohol. He confirmed that he had not. Nathan stated that he had worked at the store for 4 weeks and 6 days. A condition attached to the premise licence state that all staff will successfully complete training in age related

Signature: _____

LP/QR/32/02

Lancashire County Council

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

Continued statement of: Rick Wilson

Page No: 3

products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.

Nathan confirmed that he was paid in cash and did not receive a payslip.

I asked Vigi PASKAR for the name of the Designated Premises Supervisor and was informed it was Arumugham KALAMOHAN. I then asked Vigi when the Designated Premises Supervisor last visited "TODAY'S LOCAL". I was told that it was at least 4 months ago. I then asked Vigi how long he had been employed at the store. He replied "5 months".

Vigi confirmed that his salary is paid directly into his personal bank account on a weekly basis and receives a payslip.

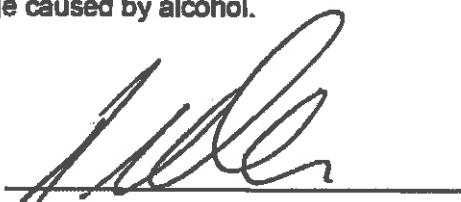
Lancashire Trading Standards conducts an Alcohol and Tobacco survey on a bi-annual basis since 2005. It is undertaken to assess the behaviour and attitudes of 14-17 year old towards alcohol and tobacco.

In 2015 2,185 young people completed the survey in Lancashire, the data showed;

- 59% of young people claim to drink alcohol
- 41% are never asked for ID when attempting to purchase alcohol
- 62% said they drank 5 drinks or more in a single session (binge drinking) once to three times a month
- 65% stated that getting drunk is fun
- 21% said that they have regretted having sex after drinking alcohol
- 12% of young people admitted to being violent or in a fight whilst drunk

Alcohol misuse can present health risks and cause careless behaviour in all age groups, but it is even more dangerous for young people. Because young people's bodies are still growing, alcohol can interfere with their development, making them particularly vulnerable to the long-term damage caused by alcohol.

Signature: _____



Lancashire County Council

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

Continued statement of: Rick Wilson

Page No: 4

Drinking alcohol lowers people's inhibitions, and makes them more likely to do things they wouldn't normally do. Young people are particularly at risk because, at their stage of life, they are still testing the boundaries of what is acceptable behaviour. For example, young people may go further than they wanted to in a sexual experience after drinking alcohol. In the most serious cases, it could lead to them becoming the victim of a sexual assault.

For these reasons, and to avoid committing an offence, it is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

The Licensing Act 2003 sets out a series of objectives which a licensing authority is required to promote. These are:

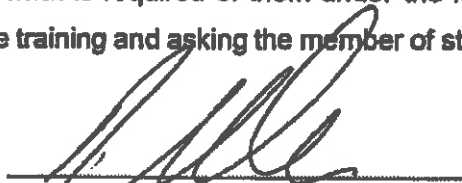
- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

The 'protection of children from harm' includes preventing the sale and supply of alcohol to children. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

The Licensing Act 2003 sets out the offences, defences and penalties that relate to under age sales of alcohol. It is therefore advised that the legislation is brought to the attention of all staff via regular training. It is important that licence holders can prove that staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood

Signature: _____



Lancashire County Council

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

Continued statement of: Rick Wilson

Page No: 5

it. These records should then be checked and signed on a regular basis by management or the owner.

Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements. There should be an age verification policy in place. As a young person's appearance does not always correspond with their actual age, it is advised that identification should be asked for if the person attempting to buy alcohol does not CLEARLY appear to be over the age of 25. Posters showing age limits should be displayed and contain a statement regarding the refusal of such sales. This would then deter potential purchasers and act as a reminder to members of staff.

Training/testing on appropriate ID and displaying examples of these is also recommended. Lancashire Trading Standards service and the government support the national Proof of Age Standards Scheme (PASS). Licence holders can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. There are a number of card issuers in the scheme - licence holders should visit the PASS website for more information. Card issuers may supply material for licence holders to display, telling young people where they can obtain a card. This way, if a licence holder has cause to refuse a sale, they can provide some positive information for the person attempting to purchase the alcohol. Photo driving licences and passports are also acceptable as proof of age.

If there is still doubt, the sale should not be allowed to take place. All refusals should be recorded on a refusal sales sheet or a refusal book. Some tills have a refusals system built in. Maintaining a refusal log will strengthen a case for due diligence. Logs should be checked by the licensee to ensure that all members of staff are using them.

Lancashire Trading Standards service provides comprehensive free due diligence resources to on and off licensed premises which are located at www.lancashire.gov.uk/lancan

Signature: _____

LP/QR/32/02

APPENDIX 2

Manning, Lauren

From: Tom Taylor <@lochlomondgroup.com>
Sent: 09 March 2016 15:31
To: Berggren, Lauren
Subject: RE: Glen's Vodka seized from 92 Lord Street, Fleetwood
Attachments: Tom Taylor.vcf

Hi Lauren,

I have examined the Glen's Vodka 70cl bottle that you sent and it has our has out lot code L3/142/13 09:19 printed on it. I can confirm from our records that it is genuine product. However, it was produced on 22nd May 2013 with export back labels attached, i.e. the labels did not incorporate a UK Duty Stamp, as per our customer's instruction. The back label on the bottle is therefore counterfeit and was not applied by our company.

The bottle came from a batch that was despatched "under bond" i.e. without payment of excise duty and with the required HMRC removal warrants to our customer's bonded warehouse. The export label has therefore been removed at some point by the counterfeiters and a counterfeit UK Duty Stamp back label applied to avoid payment of excise duty.

The bottle would not be available through the normal secure supply chain and reputable Cash & Carry outlets and will have been obtained on the black market.

Should you require any further information or assistance, please let me know.

I will return the bottle to you by courier.

Regards

Tom

Tom Taylor
Quality Manager
Loch Lomond Group

Tom.Taylor@lochlomondgroup.com

7 Laigh Road, Catrine, Mauchline
Ayrshire KA5 6SQ

From: Berggren, Lauren [mailto:Lauren.Berggren@lancashire.gov.uk]
Sent: 07 March 2016 16:58
To: Tom Taylor <@lochlomondgroup.com>
Subject: Glen's Vodka seized from 92 Lord Street, Fleetwood

Hi Tom,

Hope you're well. I sent you a sample of Glen's Vodka on 10th February, which was seized from 92 Lord Street, Fleetwood.

Our analyst has examined a bottle and found it to be satisfactory. Therefore, I think it is probably genuine but with possibly counterfeit back labels.

Before I decide how to deal with it I just need confirmation from you as to whether or not it's genuine. When you have chance to look at it could you just drop me an email to let me know what you think?

APPENDIX 3



RED HOT RUSSKI

1/3 Glen's Vodka - 1/3 Glen's Gin
1/3 Tomato Juice - Dash of Tabasco
Shake with ice and strain into glass.
Add Tabasco!



ENJOY GLEN'S VODKA RESPONSIBLY
DRINK AWARE.CO.UK



From: N32 - Buschini, Anthony
Sent: 25 October 2017 11:29
To: Barrett, Niky
Subject: Today's Local 92 lord Street Fleetwood

Hi Nicola,

The Fire Service attended an incident at Today's Local, 92 Lord Street, Fleetwood on the 26th September 2017 at 18:47 where there had been a report of an explosion. On attendance, and later by viewing the CCTV footage, it became clear that a young member of staff, Nathan Lester, had placed an electrical heater behind the counter adjacent to some lighter fuel canisters. The heat caused the fuel to expand and rupture causing a projectile lower leg injury to this member of staff.

As the fire safety inspector for the area I attended the premises the following day. I met with a member of staff, a Vigi Pasker, where we discussed the previous days incident. Whilst there I also looked at the fire safety provisions provided in the shop and in the above sleeping accommodation.

I found issues that were highlighted by my colleague when he visited in 2011 had still not been addressed. In particular these were, no fire risk assessment available or undertaken, a lack of a suitable and sufficient means of giving warning in case of fire and inadequate fire separation between the shop and the sleeping accommodation. The owner, a Mr Arumugam Kalamohan, had been notified of these issues by letter in 2011.

Due to concerns for the safety of staff and the occupiers of the accommodation above the shop I issued an enforcement notice to Mr Kalamohan giving him until the 19th December 2017 to address the outstanding issues and also in light of the incident provide evidence of suitable staff training in relation to fire safety.

Mr Kalamohan has been in contact since the issue of the notice and has indicated an intention to comply. I have recently been provided with a fire risk assessment for the premises including an action plan of works to be carried out. I believe a fire alarm system has been installed however this as yet has not been observed by myself.

A follow up visit will be carried out on notification of all the works been carried out or on the 19th December.


Kind regards

Tony

Tony Buschini
Fire Safety Inspector
Lancashire Fire and Rescue Service
Office
Mobile

SMOKE ALARMS SAVE LIVES

Call 0800 169 1125 to book a free Home Fire Safety Check.

 [Lancashire Fire and Rescue Service](#)

 [@LancashireFRS](#)

 www.lancsfireandrescue.org.uk



Wyre Council Representation Form

Responsible Authority. Please delete as applicable.
Health and Safety

Your Name	Simon Clark
Job Title	Environmental Health Officer (Health and Safety)
Postal and email address	Wyre Council, Civic Centre, Breck Road, Poulton le Fylde FY6 7PU simon.clark@wyre.gov.uk
Contact telephone number	

Name of the premises you are making a representation about.	Today Local Store
Address of the premises you are making a representation about.	92 Lord Street Fleetwood FY7 8JZ

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	No	
To prevent Public Nuisance	No	
To prevent crime and disorder	No	
Public Safety	Yes	A recent incident resulting in a serious leg injury to an employee of Mohan Retail Ltd (the company who operate the retail store) was caused by flammable/explosive lighter gas fuel canisters being stored adjacent to a heat source. This resulted in one of the canisters exploding in store at the counter. The resulting and ongoing investigation into the incident has highlighted health and safety non-compliance in areas relating to risk assessment of hazardous substances and unclear lines of responsibility for health and safety matters within the company.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Full compliance in relation to health and safety matters will be sought through the appropriate legislation and therefore no additional licensing conditions are appropriate in the light of this representation, However Members should take account of the seriousness of the incident and the potential that any future incidents might have on the general public when they are visiting the store.
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N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed:

Simon Clark

Date: 30 October 2017

Please return this form along with any additional sheets and/or evidence to: The Licensing Unit, Wyre Council, Civic Centre, Poulton le Fylde. FY6 7PU or email to Licensing@wyre.gov.uk
This form must be returned within the Statutory Period



**Wyre Council
Representation Form**

Responsible Authority. Please delete as applicable.

~~Police / Fire / Pollution / Health and Safety / Child Protection / Trading Standards / Planning Authority / Health Authority / Licensing Authority~~

Your Name	Nicola Barrett
Job Title	Senior Licensing Officer
Postal and email address	Wyre Council, Civic Centre, Breck Road Poulton le Fylde, FY6 7PU
Contact telephone number	01253 887236

Name of the premises you are making a representation about.	Today's Local
Address of the premises you are making a representation about.	92 Lord Street, Fleetwood, FY7 6JZ

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	<p>I was part of a multi-agency test purchasing operation on Friday 15th September 2017 and working in company with PC 4107 Emma Pritchard, PS Helen Parkinson, Lauren Manning and Rick Wilson of Lancashire Trading Standards, and a 15 year old child volunteer.</p> <p>The operation was in direct response to increasing numbers of complaints about youth nuisance in Fleetwood and in particular around the Mount. Many of those responsible for this antisocial behaviour had been able to source and drink alcohol, which impacts negatively on their behaviour but equally makes them vulnerable.</p> <p>During the course of the evening we visited 10 off licensed premises and Today's Local was the only store which sold alcohol to the 15 year old child.</p> <p>All the other stores asked to see photographic ID, and refused to sell alcohol when none was presented, in line with the mandatory licence condition.</p>
To prevent Public Nuisance	Yes	
To prevent crime and disorder	Yes	<p>I conducted an unannounced follow up visit 4 days later with PC Pritchard.</p> <p>Despite the fact that the store had unlawfully sold alcohol to a child over the weekend and the management were</p>

	<p>expecting further visits from the Police, I found the premises were still operating in breach of 2 licence conditions. (See attached copy of my file note)</p> <p>This ongoing refusal to adhere to simple licence conditions, demonstrates a complete disregard for the requirements of the Licensing Act 2003 and the legal obligations it places on those authorised to sell alcohol.</p>
Public Safety	

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	
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N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: 

Date: 6th November 2017

Please return this form along with any additional sheets and/or evidence to: The Licensing Unit, Wyre Council, Civic Centre, Poulton le Fylde. FY6 7PU or email to Licensing@wyre.gov.uk
 This form must be returned within the Statutory Period

File Note: Today's Local PL(A) 0391, 92 Lord Street, Fleetwood

Date: 19th Sept 2017

Test purchase failed Friday 15.9.17

Seller Nathan Lester who had received no training or adequate instructions

Sold 1 x 70cl Yellow Tail Chardonnay to 15 year old TP volunteer who had been asked for ID and refused at 9 other off licences, during the course of the operation.

19.9.17 Unscheduled visit by Niky Barrett in company with PC Emma Pritchard

1 Staff member Vigi PASKAR, 18 Glenbrand Close, Liverpool, L9 2BR, present.

Personal licence issued by Liverpool City Council PA061929, verified on LCC online register

PLH – Arumugam KALAMOHAN – Not present

DPS – Richard Napoleon ANTHONYS – Not present

CCTV showing 9 feeds and Vigi able to search for and replay footage from 24th August (28 days retention demonstrated)

Notices required to be displayed at entrance not present – **Breach of Annex 2 condition**

2 x challenge 25 A4 posters displayed in-store, 1 on cigarette gantry door and 1 over the doorway at rear of store into store room, 1 x challenge 25 shelf wobble sign at staff entry to till area.

Condition requiring documentary evidence of staff training prior to working on the sales floor followed by refresher training every 3 months not demonstrated – **Breach of Annex 2 condition**

The only entries in the store training log kept on site were for Emma Redditch/Stanhope and dated 16.1.16 (This was the day after Paul Deacon (WBC) visited the premises following intelligence reports linking the store to underage sales. During the visit he provided the DPS with an age verification policy as the store did not have one and reiterated the need to have effective training and robust procedures in place to prevent underage sales.

1 authorisation to sell alcohol at the store to Emma Redditch signed by Andrew DAVIES as a Personal Licence Holder.

No other records for staff (including PASKAR) or refresher training completed.



7. General approach to licensing

In undertaking its licensing functions under the Licensing Act 2003, Wyre Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the borough. The authority aims to support a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors with a knock-on effect for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Licensing Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned. The licensing authority and its committees cannot, however, use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.

This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. Where it is evident that a licensed premises is responsible for an undesirable event (perhaps by employing unsuitable people or exercising poor standards of management), then the licensing authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.

The authority will not downgrade its commitment to the licensing objectives to assist a failing venue, even if that means that the business ceases trading.

14.1 Prevention of Crime and Disorder

The extent to which conditions should be introduced to control the matters detailed below will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, more comprehensive measures should be in place at late night entertainment venues or in premises with a history of crime and disorder issues.

14.1.1 Underage drinking

The consumption of alcohol by persons under the age of 18 is recognised as a source of potential crime and disorder which also puts young people's health at risk. Children and young people can obtain alcohol from both on and off licensed premises and therefore both carry equal responsibility to prevent such sales. Operating schedules should contain measures to ensure that the law and practice relating to age restricted sales is adhered to. This should include ensuring that staff have sufficient training and supervision to ensure that no alcohol is served to someone who is under age.

Particular attention should be given to the training of new members of staff to ensure that they are fully aware of their legal responsibilities and compliance required under the Act. Refresher training should also be carried out periodically to keep staff abreast of changes to legislation.

Wyre key message 08

All premises licensed to sell alcohol are expected to have a policy in place and implement the Challenge 25 standard.

14.2 Promotion of Public Safety

The Licensing Authority is committed to ensuring the physical safety of those using licensed premises. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public.

14.4 Protection of children from harm

The Licensing Authority is committed to protecting children from moral, psychological and physical harm and views this as an important licensing objective. In particular children should be protected from exposure to strong language, sexual expletives and adult entertainment.

14.4.1 Sexual exploitation of children

The risks will vary from premises to premises depending on the type of licensing activity and the age of the children, therefore the Licensing Authority encourages licence holders and operators of licensed premises to:

- (1) ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
- (2) raise the awareness of their staff about the issues of child sexual exploitation and provide intelligence to the appropriate authorities about any concerns they may have about suspicious behaviour of this nature.

Care must be taken when staff are appointed, to ensure that such individuals are not placed in an environment where they can exploit their position.

Applicants should address all or any of the following in their operating schedule, where relevant to their particular premises and look to provide conditions to uphold the protection of children from harm objective;

All premises

- Steps to prevent children from being exposed to drugs, drug taking or drug dealing
- Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height;
- Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

Premises licensed for the sale of alcohol/entertainment

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Arrangements to prevent children from being exposed to gambling (gaming machines on licensed premises)
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature;

- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Means for ensuring that persons supervising children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

14.4.2 Proof of Age Schemes

The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include using the following documents to verify the age of customers

- Photo Card driving licence issued in the European Union
- Proof of Age Standards Scheme Card (PASS)
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder

The authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.

21. Reviews

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person may ask the licensing authority to review the licence or certificate. The application for a review of the licence must relate to the adverse impact that the premises is having on one or more of the licensing objectives.

There is opportunity within the 28 day period following submission of the review to the licensing authority for support to be given by other persons or a responsible authority.

The licensing authority must reject any request for a review if the reason does not relate to one or more of the four licensing objectives. Evidence to highlight the areas of concern must be included to give members sufficient information on which to base a decision.

Requests for reviews will be rejected if the grounds are, in the opinion of the licensing authority, frivolous, vexatious or repetitive. Repetitive grounds are those, which mirror those considered at a previous hearing.

Any review of a licence will take place before the Licensing Committee or one of its panels. The Licensing Authority will apply the full range of powers available to it when a review of a premises licence becomes necessary. If the Authority considers that one or more of the licensing objectives is being undermined, the licence or certificate may be suspended, hours curtailed, DPS removed or the licence revoked completely, dependent on the evidence and submissions at the hearing.

The Police or trading standards in their roles as responsible authorities will submit an application for a review of a premises where it has been found to be persistently selling alcohol to children. This is defined by two successive test purchase failures in three months. The application will be heard by members of the licensing committee who have a range of options, including revocation or suspension of the licence.

At the review application hearing members have the power to select from the following options:-

- revoke the licence/certificate
- suspend the licence/certificate for a period of up to 3 months
- remove the DPS
- add additional conditions
- amend existing conditions
- modify the conditions for a temporary period of up to 3 months
- remove one or more licensable activities
- change licensing hours

Suspension of a licence/certificate may be considered in some circumstances to allow the premises time to look at procedures, staffing, conditions and general management of the premises. The suspension period can be used to rectify issues that led to the review and to prevent further occurrences. Suspension of a licence can also be considered to deter the licence holder from allowing the issue that led to the review from being repeated.

Wyre key message 27

The licensing committee will view all repeat sales of alcohol to children gravely and should an application for a review of the licence be brought to a hearing, members will consider all appropriate available options including revocation of the licence.

As referred to in the previous paragraphs, enforcement will be incremental, therefore should a premises licence or club premises certificate be brought before members for review, the breaches or failures of compliance will be considered seriously.

As the authority is responsible for licensing premises under the Act, the requirement of operators to uphold the licensing objectives is paramount to both the Act and this authority.

Wyre key message 28

Residents, businesses and visitors have an expectation of the authority and its partner agencies to ensure that premises within their jurisdiction are fulfilling their legal obligations. This authority will use all tools and powers available to it to assist with this.

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.