

NOTTINGHAM CITY COUNCIL
SPECIAL LICENSING PANEL

Date: Tuesday 21 February 2012

Time: 10.30am

Place: Meeting Room LB 32 - 3rd Floor at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Martin Parker Direct dial - 8764303

A G E N D A

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
Councillors, colleagues or other participants in meetings are requested to declare any personal or personal and prejudicial interest in any matter(s) on the agenda
- 3 APPLICATION FOR REVIEW OF PREMISES LICENCE** Attached
WHITEMOOR STORE, 101 WHITEMOOR ROAD, NOTTINGHAM
Report of Corporate Director for Communities

IF YOU ARE UNSURE WHETHER OR NOT YOU SHOULD DECLARE AN INTEREST IN A PARTICULAR MATTER, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING, WHO WILL PROVIDE ADVICE IN THE FIRST INSTANCE.

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST FIFTEEN MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

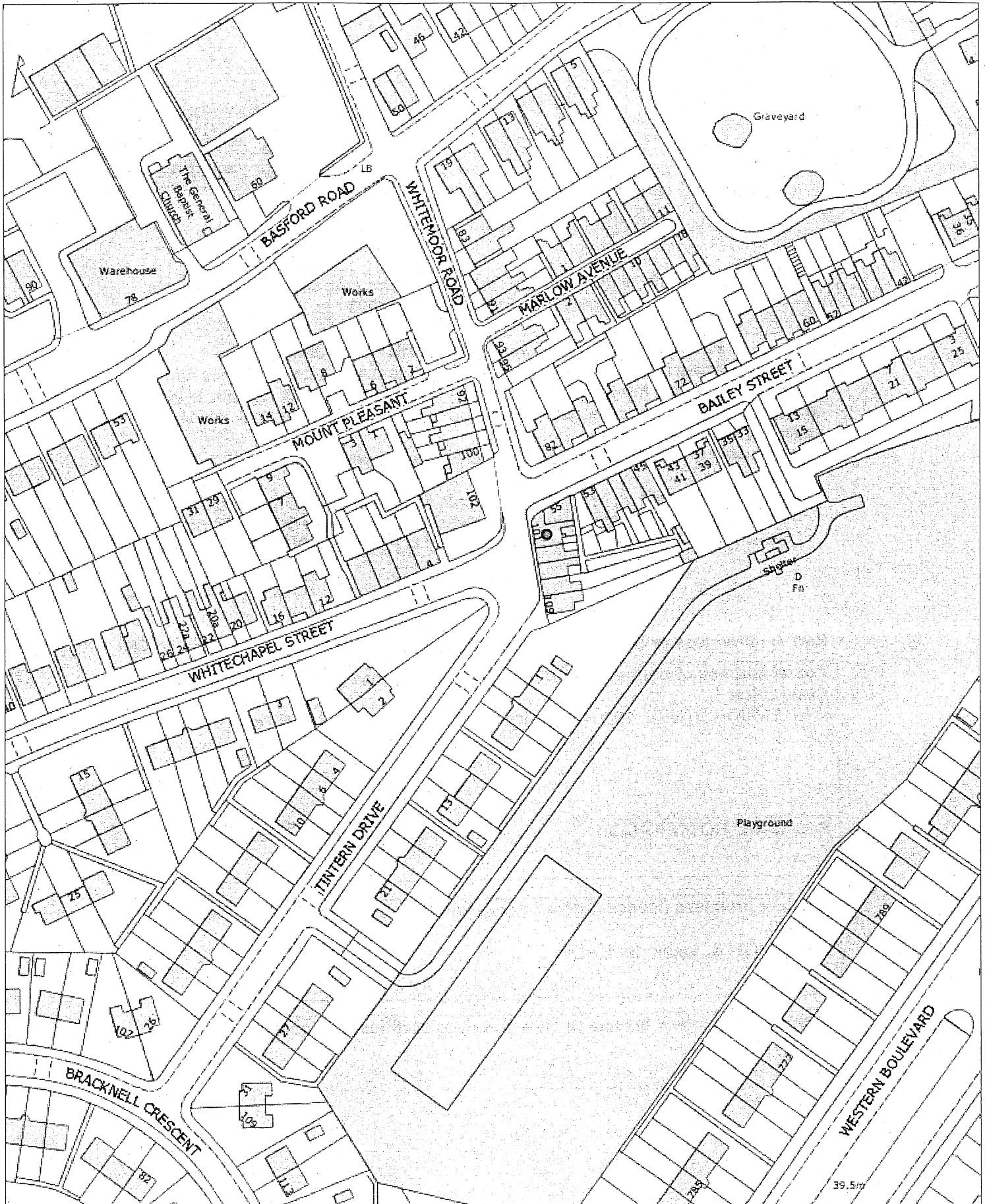
REVIEW OF PREMISES LICENCE

Premises concerned	Whitemoor Store 101 Whitemoor Road Nottingham NG6 0HJ Please see attached Premises Licence
Premises licence holders	Dial Singh & Jasbinder Kaur
Party submitting review	Jane Bailey - for and on behalf of Nottingham City Council Trading Standards Service Lawrence House Talbot Street Nottingham NG1 5NT Please see attached application.
Date application Received:	28 December 2011
Last date for representations:	25 January 2012 The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 29 December 2011 to 25 January 2012 inclusive.
Relevant representations received	None
Matters which the Authority has asked the parties to clarify	<ol style="list-style-type: none"> 1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely. 3. The Trading Standards Service to clarify what, if any, step/s it is recommending for the Panel's consideration.
Issues	
Issue 1	<p>Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote any or all of the following licensing objectives:-</p> <p>(1) the prevention of crime & disorder ; (2) public safety;</p>

	<p>(3) the prevention of public nuisance ;and (4) the protection of children from harm</p> <p>or whether no action is necessary to promote the licensing objectives.</p>
Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
Relevant Guidance	Paragraphs 1-27, Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	<ol style="list-style-type: none"> 1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or 2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or 3. To remove the designated premises supervisor; and/or 4. To suspend the whole premises licence for a period not exceeding 3 months; or 5. To revoke the licence.
Published documents referred to in compiling this report	<p>Licensing Act 2003 Guidance issued under Section 182 of the Licensing Act 2003. Statement of Licensing Policy issued by Nottingham City Council.</p>

Andrew Errington
Director of Community Protection
Central Police Station, North Church Street, Nottingham NG1 4BH

Contact Officer: Sue Bowler, Licensing Officer 0115 9152089



Whitmoor Store
101 Whitmoor Road

 City Boundary

0 39.7 Meters

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below **Community & Culture - Licensing**

Time received _____

28 DEC 2011

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
 WHITEMOOR STORE, 101 WHITEMOOR ROAD, BASFORD, NOTTINGHAM

Post town NOTTINGHAM

Post code (if known) NG6 0HJ

Name of premises licence holder or club holding club premises certificate (if known)

Dial SINGH & Jasbinder KAUR

Number of premises licence or club premises certificate (if known)
 036371

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nottingham City Council Trading Standards Service Lawrence House, Talbot Street, Nottingham NG1 5NT
Telephone number (if any) 0115 9156161
E-mail address (optional) jane.bailey@nottinghamcity.gov.uk

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

Please tick one or more boxes

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

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

The Licensing Objectives of Public Safety, Prevention of Public Nuisance and Protection of Children from Harm have been seriously undermined in that:

On 22nd November 2011 a test purchase volunteer aged 13 years was sold alcohol by a person at Whitemoor Store, 101 Whitemoor Road, Basford, Nottingham.

(2) PUBLIC SAFETY

Sales of alcohol to children under the age of 18 can cause concerns of public safety. This could cause intoxicated underage children to engage in unsafe behaviour putting themselves, and others at risk. An example of unsafe behaviour due to underage children drinking alcohol could be whilst in an intoxicated state they walk into the path of a moving vehicle putting themselves and the motorist at risk of injury.

(3) The PREVENTION of PUBLIC NUISANCE

It is also alleged that the sale of alcohol to underage children could also cause a public nuisance. This could be due to groups of intoxicated children causing anti social behaviour, which has previously been evident in parts of the City. Another by product of children being sold alcohol is litter such as empty cans and bottles being discarded in the area they gather. Again this has been evident in parts of the City.

(4) The PROTECTION of CHILDREN from HARM

The sale of alcohol to children can expose them to a risk to their health and wellbeing, either:

- by the direct effects to their health of consuming alcohol
- by making themselves more vulnerable to crime in particular those of a violent or sexual nature.
- by becoming in their intoxicated state a perpetrator of crime especially violence.

In this case a bottle of VK Apple, which had an alcohol content of 4% was sold to a 13 years old girl. This is a particular concern as the girl was so young.

The circumstances of the case are that on 22nd November 2011 Section 146(1) of the Licensing Act 2003 was breached in that Miss Taljinder KHERA (daughter of the two licence holders) sold the aforementioned alcohol to a person under the age of 18 years of age. At the time the sale was made Jasbinder KAUR (Licence holder) was also at the till point in a position to challenge the sale. She claims that she was distracted as she was watching some other customers in the shop at the time. The sale was witnessed by a member of the Nottingham City Council Trading Standards Service. Miss KHERA has been issued with a fixed penalty ticket and a Prosecution Report will be raised in relation to Dial SINGH and Jasbinder KAUR who are the Premises License Holders. Dial SINGH is also the Designated Premises Supervisor.

Summary

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

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

History

Mrs KAUR & Mr SINGH have been in business at the Whitemoor Store for approximately 16 years.

On 29th September 2007 the store failed an underage alcohol test purchase exercise when Jasbinder KAUR (Licence Holder) sold a bottle of WKD Vodka blue to a 15 years old female. She admitted doing this but in her defence stated that to her the girl appeared to be over 18 years of age. She also said that she had been distracted by the news that her brother had attempted to commit suicide on the day of the sale took place and also that there had been an influx of new students into the area, which meant they were abnormally busy.

On this occasion she was cautioned.

Since that time the premises have been visited three times as part of test purchase exercises. Twice in 2008 and once in 2010 and no sales were made.

The Present

Currently Mrs KAUR and Mr SINGH employ one member of staff who works predominantly throughout the day. They say that this person has received training in relation to the sale of alcohol. The only other person that helps in the shop is their daughter Talinder. She apparently has received no formal training.

On 22nd November 2011 Nottingham City Council Trading Standards officers conducted an alcohol test purchase exercise. In total 6 premises were tested and the only one to fail was Whitemoor Store. The test purchase volunteer was a 13 years old girl who clearly looked under 18 years of age. She entered the store accompanied by one of the Trading Standards officers. She selected a bottle of VK Apple which had an alcohol content of 4%. She presented this for payment at the till point. Here she was served by Miss Taljinder KHERA (daughter of the two licence holders). Also behind the till point was the licence holder Jasbinder KAUR. The volunteer was not asked her age nor was she asked for any identification. In short the sale was made unchallenged.

Immediately following the sale the store was visited by Pc WHEDDON. Both Mrs KAUR and Miss KHERA were spoken to. Miss KHERA was issued with a fixed penalty ticket.

On 08/12/2011 both Mrs KAUR and Mr SINGH were interviewed.

They both confirmed that they only employed one member of staff and that their daughter also helped in the shop. They stated that in terms of training only Mrs KAUR and their employee had participated in this. They stated that their daughter had been shown a DVD about alcohol sales. They stated that they had an EPOS till system that alerted staff when alcohol and other age prohibited sales were scanned through. They stated that they did not operate a challenge 21 or challenge 25 policy.

They produced a refusals book, which showed only one entry in the month prior to the test purchase exercise and that was for Rizla cigarette papers. There were no entries in the book to show it had been inspected by either of the licence holders.

Mrs KAUR stated that on the night of the test purchase exercise she was behind the till point with her daughter. She said that two of the CCTV cameras were not working,

there had been a number of thefts from the shop and so she was distracted by watching other customers in the shop. She said her daughter thought the girl looked over 18 and hence this is why she did not challenge her..

Mr SINGH was asked about the CCTV system and said it was in full working order.

Summary

As aforementioned it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Jane Bailey

Date

23rd December 2011

Capacity

Trading Standards Manager

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

Licensing Act 2003

Community & Culture

Lawrence House
Talbot Street
Nottingham
NG1 5NT
Tel: 0115 915 5555
Fax: 0115 915 6145

Premises Licence

Premises licence number: 036371

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Whitemoor Store
101 Whitemoor Road
Basford

Post town	Nottingham	Post code	NG6 0HJ
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Telephone number	0115 9130556
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday	from 08.00 hrs to 23.00 hrs
Tuesday	from 08.00 hrs to 23.00 hrs
Wednesday	from 08.00 hrs to 23.00 hrs
Thursday	from 08.00 hrs to 23.00 hrs
Friday	from 08.00 hrs to 23.00 hrs
Saturday	from 08.00 hrs to 23.00 hrs
Sunday	from 10.00 hrs to 22.30 hrs
Good Friday	from 08.00 hrs to 22.30 hrs
Christmas Day	from 12.00 hrs to 15.00 hrs and 19.00 hrs to 22.30 hrs

The opening hours of the premises

At the licensee's discretion, but licensable activities are only to be provided as outlined above.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol - Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Dial Singh & Jasbinder Kaur, 187 Station Road, Langley Mill, Nottingham NG16 4AF

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Dial Singh

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

035183 issued by Nottingham City Council

Signed:
Licensing Officer

Dated: 5 October 2005

Annex 1 - Mandatory conditions

S19 Licensing Act 2003

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.
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.

Annex 2 - Conditions consistent with the Operating Schedule

Embedded Restrictions

Section 60, 63, 86 Licensing Act 1964 – Off Licence Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

Section 164 Licensing Act 1964

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

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans

Drawing number 955/1 dated 26 July 2005 submitted with the application dated 6 August 2005.

Dated 5 October 2005

