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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line :01656 643696
Gofynnwch am / Ask for: Mrs Julie Ellams

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: 10th August 2016

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (B)

A meeting of the Licensing Act 2003 Sub-Committee (B) will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 16 August 2016 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. LICENSING ACT 2003 : SECTION 17 APPLICATION FOR PREMISES 3 - 46
LICENCE 74 PISGAH STREET KENFIG HILL TO BE KNOWN AS PISGAH
CONVENIENCE STORE

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

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Councillors
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Cyfnwyd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

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Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB COMMITTEE

16 AUGUST 2016

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

LICENSING ACT 2003 : SECTION 17

APPLICATION FOR PREMISES LICENCE

74 PISGAH STREET KENFIG HILL TO BE KNOWN AS PISGAH CONVENIENCE STORE

1. Purpose of Report

- 1.1 This is an application made by Mr Nagarajah Nagendirarajah for a new Premises Licence for the above premises. The premises is a convenience store.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 A copy of the application form is attached at Appendix A together with the proposed licence plan.
- 3.2 The application is for a Premises Licence which authorises the supply of alcohol for consumption off the premises only.

Monday to Saturday 0600 to 2200 hours

Sunday 0800 to 2000 hours

Non standard timings are applied for as follows:

Christmas Eve 0600 to 2000 hours except if Christmas Eve falls on a Sunday when the permitted hours will be 0800 to 2000 hours.

Christmas Day 0600 to 2000 hours except if Christmas Day falls on a Sunday when the permitted hours will be 0800 to 2200 hours

Good Friday 0600 to 2200 hours

The hours open to the public are those set out above

The operating schedule setting out the steps the applicant intends to promote the licensing objectives is set out in Section M boxes a) to e) of the application form. Should the premises licence be granted, these measures would be translated into

licence conditions subject to any amendments set out by the Responsible Authorities below.

3.3 The proposed designated premises supervisor is the applicant, Mr Nagarajah Nagendirajah who holds a personal licence issued by the London Borough of Redbridge.

3.4 The application has been advertised in accordance with Regulations.

4. Current situation / proposal.

4.1 Representations have been received from the Licensing Authority and Chief Officer of Police, which are set out at Appendices B and C respectively. The South Wales Police has submitted further supporting information in respect of their representations which is contained at Appendix D to the report.

4.2 At the time of preparing this report these representations had not been withdrawn and an update will be requested at the hearing.

4.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy and the Home Office Guidance issued under Section 182 of the Licensing Act 2003. However, the Sub-Committee must consider each application on its own merits having regard to the application, the operating schedule submitted and the representations made.

4.5 Sections 2, 8, 9 and 10 and of the Home Office Guidance apply to this application. Section 10.15, "Hours of Trading" is relevant to this application:

"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours."

There are no specific local licensing policies applicable to the Kenfig Hill area.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 A full Equality Impact Assessment has not been undertaken in relation to this service, however due regard has been given to the implications on persons protected by equality legislation and human rights. Adverse impact of this Legislation on the equality protected groups is very unlikely. Consideration has been given to the guidance issued to accompany the Licensing Act 2003 relating to need to eliminate duplication and conflict with existing disability legislation and to reference and highlight the Council's Race Equality Scheme, policies and codes of conduct to applicants. We do not consider, on the basis of the above, that a detailed Equality Impact Assessment is required for this service. In line with our Inclusive Equalities Scheme we will monitor for any adverse impacts that may develop.

7. Financial Implications.

7.1 None

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the Council's Statement of Licensing Policy and the Guidance issued by the Home Office.

8.2 The Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Section 10 of the Home Office Guidance relates to conditions attached to Premises Licences, Mandatory conditions will apply to the licence, if granted, in respect of the specification of a Designated Premises Supervisor, age verification policy and authorisation by personal licence holders.

Andrew Jolley

Corporate Director Operational and Partnership Services

Date: 10 August 2016

Contact Officer: Yvonne Witchell
Team Manager Licensing

Telephone: (01656) 643105

E-mail: Yvonne.Witchell @bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Application for Premises Licence

Representations from Responsible Authorities,

Council's Statement of Licensing Policy available at www.bridgend.gov.uk

Amended Guidance issued under Section 182 of the Licensing Act 2003 – March 2015 available at www.homeoffice.gov.uk

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APPENDIX A

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application for a premises licence to be granted 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/we NAGARAJAH NAGENDIRARAJAH

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 74 PISCATAH STREET KENFIG HILL BRIDGEND			
Post town		Postcode	CF33 6BY

Telephone number at premises (if any)	01656-745 333
Non-domestic rateable value of premises	£ 2275

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NAGENDIRAJAH			First names NAGARAJAH		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number			01656 - 745 333		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
15	03	2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

plan is attached here with .

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	06.00	22.00			
Tue	06.00	22.00			
Wed	06.00	22.00			
Thur	06.00	22.00			
Fri	06.00	22.00			
Sat	06.00	22.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			<i>Christmas eve</i> – 06.00 to 20.00 except if Christmas Eve falls on a Sunday the permitted hours will be 08.00 to 20.00 hours		
			<i>Christmas day</i> – 06.00 to 20.00 except if Christmas day falls on a Sunday the permitted hours will be 08.00 to 20.00 hours		
			<i>Good Friday</i> – 06.00 to 22.00 hours		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

<hr/> <hr/> <hr/> <hr/> <hr/>

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Premises Licence Holder will ensure that any Person who wishes to purchase alcohol and appears to look under the age of 18 yrs must produce proof of age in the form of Pass

b) The prevention of crime and disorder

accredited ID, photo driving licence or passport. The Premises Licence holder will ensure that a refusals register is maintained which will detail in chronological order the time and date any sale of alcohol is refused, including the

membership schemes with other licensees to prevent crime and disorder
maintaining incident books to highlight crime and disorder

c) Public safety

Name and signature of the staff member responsible, the product, a description of the customer and a comments section. The register will be countersigned on a weekly basis by the Designated Premises Supervisor. Fire safety and fire prevention measures not covered by other regulatory regimes - there is the installation and maintenance of CCTV on the premises.

d) The prevention of public nuisance

The premises licence holder applicant will identify any particular issues having regard to the vicinity of the premises - steps will be taken to reduce the impact of noise from patrons congregating outside. A prohibition on customers taking alcoholic drinks or carrying open or sealed bottles onto the premises.

e) The protection of children from harm

The Applicant will set out in the operating schedule staff awareness, training - ie awareness of offences. Staff training for the protection of children and young persons and vulnerable adults at the premises including proof of age measures and awareness of proxy sales of alcohol. Active support and enforcement of a proof of age scheme. Age warranted exclusion of children from certain areas. Risk assessment hazard location of cigarette machines in areas that can be seen by staff.

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Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	06 - 06 - 2016
Capacity	SOLICITOR

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

SOLIDUM SOLICITORS
UNIT 4, 257 NORTHOLT ROAD
SOUTH HARROW

Post town SOUTH HARROW Postcode HA2 8HS

Telephone number (if any) 02089125241

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

info@solidumsolicitors.co.uk.

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Retailer Name: Ranjan

Trading Name; Pisjah Convenience Store 500 sq.ft

Address: 74 Postage Street, Kenfighill, Bridgend

Promo Bays= 1

Drawing No: G.T 1

Post code: CF 33 6BU

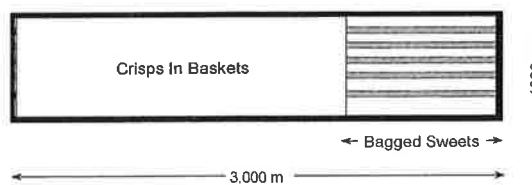
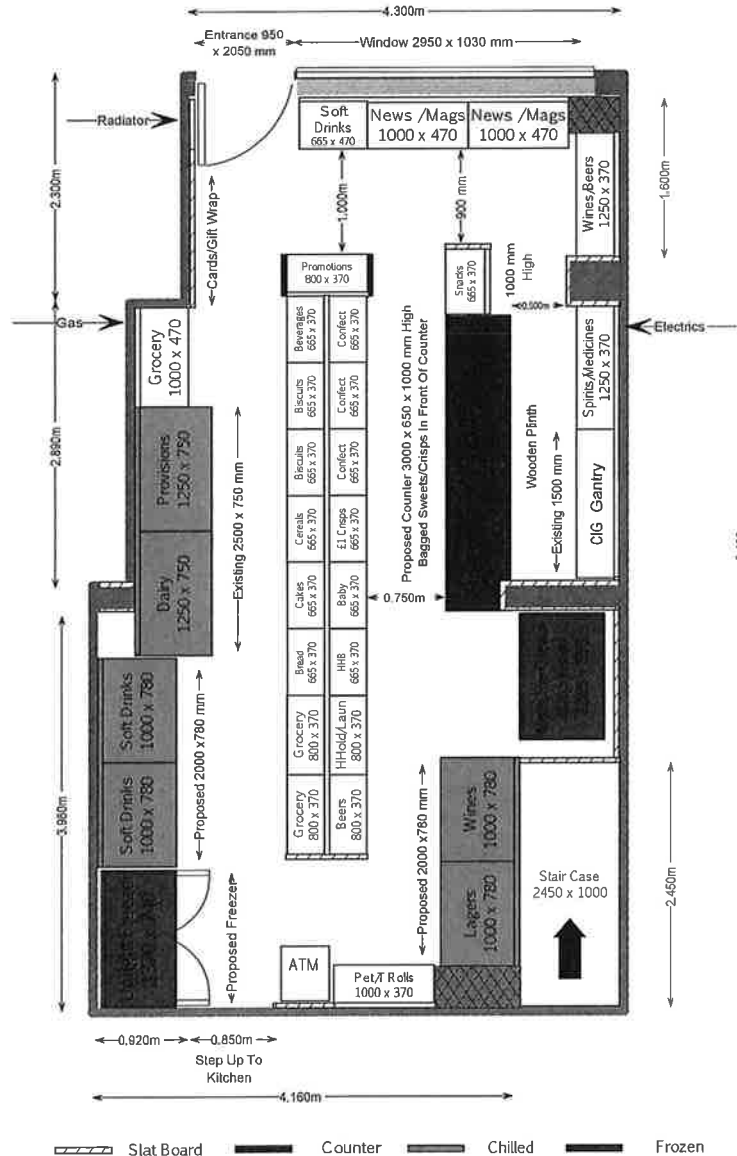
Frozen mtr= 2.7

Telephone: 07958 432738

Cust Number:

Chilled mtr= 6.5

Drawing not to be scaled.
This is for layout purposes only. Any accurate measurements should be carried out by a skilled third party.



Counter 3000 x 650 x 1000 mm High. With 900 mm Slat Board Under Front Of Counter For Bagged Sweets And Existing Crisp Baskets. All TBC

No:1 Twisted Bamboo Pelmit Boards Throughout Store No:2 Box Over Chillers/Freezers With Maple Boards No:3 Gondola Height 1410 mm

No:4 Wall Bays To Ceiling No:5 Floor Covering/Suspended Ceiling&Lighting Style TBC No:6 10 tier Magazine Unit Per Bay

No:7 New Shelving With Gray Ticket Strip No:8 Hooks/Pricing Label Tags/Risers/Dividers/Baskets/Plastic Card Holders Quantities TBC

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From: **Fiona Colwill - Licensing Enforcement Officer**

To: **Licensing Department**

our ref.
FC

ext. no.
3180

your ref.

date
18 July, 2016

LICENSING ACT 2003

APPLICATION FOR GRANT OF A PREMISES LICENCE

APPLICANT: 74 PISGAH STREET, KENFIG HILL, BRIDGEND, CF33 6BU

Licensing authority officers in their role as a responsible authority make the following representations: that the application, in its current format, does not fully support the licensing objectives.

Observations

The premises' has previously held a licence under the Licensing Act 2003. In May 2015 South Wales Police, due to a number of licensing and immigration breaches, submitted an application to review the premises licence recommending revocation, at this time the Premises Licence Holder and Designated Premises Supervisor was [REDACTED] the wife of Nagarjah Nagendirarajah. Support representations were submitted by Licensing Enforcement.

The licence was surrendered in July 2015 the day before the review hearing was scheduled to take place.

The applicant has offered very little additional information in the application on how he intends to promote the licensing objectives. The applicant has stated that any persons who look under the age of 18 must produce photographic identification. A strict age policy and a policy advising how staff will be trained on the requirements of the Licensing Act 2003 or any details of the proof of age scheme must be in force. It is a mandatory condition that an age verification policy applies to a premises selling or supplying alcohol. This has not been fully evidenced in the operating schedule. As a minimum any policy shall include:

- all reasonable steps to be taken to prevent sales of alcohol to children under the age of 18 years, including prominent notices being displayed, at each point of entry to the premises and at all sales points, advising customers that the premises operates the relevant proof of age scheme
- Specify a proof of age requirement before sale of alcohol is made
- all reasonable steps to be taken to prevent adults from purchasing alcohol for or on behalf of children under 18 years

- A scheme that ensures any person attempting to purchase alcohol who is, or appears to be under the age of the relevant proof of age policy provides documented proof that he/she is over 18 years of age.
- A policy must be available advising on how staff will be trained on the prevention of the Sale of Alcohol to intoxicated persons.

The applicant has also stated a refusals register will be maintained, but does not mention if records will be made available for inspection by authorised officers.

It is noted, although the applicant has stated that staff awareness will be set out in the operating scheduled, he does not offer information on any further training of the Licensing Act 2003. The Licensing Act 2003 is updated frequently, it is, therefore, recommended that all staff receive training on a regular basis.

It is also noted that applicant has offered under the prevention of public nuisance that he will identify issues within the vicinity of the premises, but does not advise how he will resolve any problems that may arise or how they will be enforced.

Licensing Enforcement are of the opinion the licensing objectives have not been adequately addressed, concerns are also raised due to Nagarjah Nagendirarajah having an active role in the running of the premises when the licence was breached on more than one occasion in 2015.

Regards

Fiona Colwill
Licensing Enforcement Officer
Legal & Regulatory
Public Protection
Civic Offices
Angel Street
Bridgend
CF31 4WB

Tel: 01656 643180
Mobile: 0758 337 5933
fiona.colwill@bridgend.gov.uk

Text phone | Ffon testun: 18001 01656 **643180**

Fiona Colwill, Licensing Enforcement Officer

On behalf of CORPORATE DIRECTOR OPERATIONAL & PARTNERSHIP SERVICES



Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ
B.3-211/16

18th July 2016

Licensing Department
Operational & Partnership Services
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

c.c. infp@solidumsolicitors.co.uk

Sir/Madam,

RE: APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

PISGAH CONVENIENCE STORE, 74 PISGAH STREET, KENFIG HILL, BRIDGEND CF33 6BU

REPRESENTATIONS

South Wales Police make representations to the Bridgend County Borough Licensing Authority that they are of the view that the likely effect of the grant of this application on the licensing objectives would be to increase crime and disorder and public nuisance at or in the vicinity of the premise.

Furthermore approval would fail to protect children from harm.

The representations are strengthened having regard to the steps intended to be taken in the Operating Schedule and other areas of the application to promote the licensing objectives as well as the previous history of the premises and the applicant's background.

Information and evidence is set out below for the Licensing Sub-Committee's consideration.

THE PREMISES

The premises was previously licensed to sell alcohol only and [REDACTED] was licensee and the designated premises supervisor (DPS).

She is the wife of the applicant and proposed Premises Licence holder and DPS, Nagarajah Nagendirarajah.

South Wales Police had such cause for concern with regard to this off-licence that in May 2015 application was made to review the licence with a strong recommendation that the authorisation should be revoked.

However; the day before the scheduled hearing the Premises Licence was surrendered.

THE APPLICANT

South Wales Police has grave concerns about the antecedent history of the proposed applicant in relation to licensing offences which have been committed as well as serious immigration matters.

If the application is approved then he will hold two positions of authority and South Wales Police believe this would seriously impact on the licensing objectives.

THE OPERATING SCHEDULE

Within the Operating Schedule (M - boxes A to E) the Act requires the applicant to describe any additional steps intended to be taken in order to promote all four licensing objectives namely: -

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

The steps detailed are adopted as conditions of the Premises Licence and arguably attempt to negate responsible authorities from making representations in respect of the application.

Having made an assessment of the schedule some of the conditions proposed are either not relevant and cannot be proposed as steps as they are mandatory conditions of a licence in any event, some are bland, appear in duplicate or are clearly unenforceable.

The steps intended to protect children for example cannot be read in their entirety.

South Wales Police are of the opinion therefore that the licensing objectives have not been adequately addressed.

Home Office guidelines issued under Section 182 of the Licensing Act 2003 and Bridgend County Borough Councils "Statement of Licensing Policy" allows representations to be amplified at hearings.

Therefore issues pertinent to this application coupled with previous enforcement at the premises and the applicant's antecedent history will be disclosed and highlighted at any subsequent hearing in respect of this application.

Yours faithfully,



Inspector Drew
Communities & Partnerships

Fenny Isaf at Ogwr
Mwy Ddiogel



Safer Bridgend

**PISGAH STREET NEWSAGENTS &
OFF-LICENCE**



Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

**APPLICATION FOR A REVIEW OF THE
PREMISES LICENCE**

OFFENCES CONTRARY TO THE LICENSING ACT 2003

OCCURRENCE 1500055175 THURSDAY 19TH FEBRUARY 2015

During a multi-agency test purchase operation which involved 16 year old volunteers who attempted to purchase alcohol the following offences were committed: -

- 1) The sale of alcohol to a person under 18 years contrary to Section 146(1)

The offence is punishable by a Level 5 fine which carries a maximum penalty of £5,000.

The offence is not only serious but is exasperated by the fact that it was committed by a person who had entered the UK illegally.

As both premises and personal licence holder who is also DPS [REDACTED] committed the following offences.

- 2) A number of those are contrary to Section 136 i.e. contraventions of the conditions of the licence which is the most serious licensing offence and carries the greatest penalties: -
 - a) An unlimited fine and/or a term of imprisonment on summary conviction not exceeding 6 months.
 - b) All alcohol and containers may be forfeited and destroyed.
 - c) The Premises Licence may be reviewed under Section 51.
 - d) Suspension or forfeiture of a Personal Licence.

Three offences contrary to Section 57 of failing to: -

- 3) Produce the licence for inspection by a constable or authorised officer.
- 4) Keep the licence or a certified copy at the premise.
- 5) Ensure that a summary of the licence or a certified copy is prominently displayed at the premise.

Section 57 offences are punishable by a Level 2 fine, maximum penalty of £500.

- 6) Exposing alcohol for unauthorised sale contrary to Section 137

The penalty for a Section 137 offence is an unlimited fine and/or a term of imprisonment on summary conviction not exceeding 6 months.

- 7) Keeping alcohol on premises for unauthorised sale contrary to Section 138.

A Section 138 offence is also punishable by a Level 2 fine.

CONTRAVENTIONS OF THE RELEVANT CONDITIONS OF THE LICENCE

There are conditions appended to the licence which are pertinent to the review as they have also been committed by Mrs [REDACTED]

Among them being the following: -

ANNEX 1 - MANDATORY CONDITIONS:-

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

3) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4) 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 a holographic mark.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

GENERAL – ALL FOUR LICENSING OBJECTIVES:-

1. The Premises Licence Holder will ensure that all staff complete an accredited licensing qualification.

THE PROTECTION OF CHILDREN FROM HARM:-

1. The Premises Licence Holder will ensure that any person who wishes to purchase alcohol and appears to look under the age of 18 years must produce proof of age in the form of pass accredited ID, photo driving licence or passport.

2. The Premises Licence Holder will ensure that a refusals register is maintained which will detail in chronological order the time and date any sale of alcohol is refused, including the name and signature of the staff member responsible, the product, a description of the customer and a comments section. The register will be countersigned on a weekly basis by the Designated Premises Supervisor.

ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

There are two conditions where the protection of children from harm restrictions are replicated.

The following information is disclosed as being necessary for the promotion of the licensing objectives as the offences are not only extremely similar but have been committed within close proximity by the same family members.

It is highly significant that Mrs [REDACTED] husband also holds a position of responsibility as DPS at another off-licence within the borough and at the time of the visit he was contacted and attended at the store.

He was aware of the circumstances surrounding the arrest of a staff member however; during an enforcement visit by the UK Borders Agency on 15th May 2015 a Sri Lankan migrant was found to be employed at his premise and as he was also illegally in the UK he was arrested.

NOT PROTECTIVELY MARKED

Clearly the arrest post dates the visit and not only demonstrates the mindset of those responsible for two licensed premises but also presents as an abject failure to promote the objectives.

**PISGAH STREET NEWSAGENTS &
OFF-LICENCE**



Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

**APPLICATION FOR A REVIEW OF THE
PREMISES LICENCE**

**HOME OFFICE CHECKS TO ASCERTAIN IF
SOMEONE CAN WORK IN THE UK**

The following information was freely obtained from: -

- 1) Prevention of illegal working – This is the link to the Home Office employers guidance. The ‘Comprehensive Guidance for Employers on Preventing illegal working’ contains details of all the documents to prove entitlement to work:
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/>
- 2) Document verification – This site contains the information on forged & counterfeit documentation:
http://www.cpni.gov.uk/documents/publications/2007/2007044-gpg_document_verification_guidance.pdf?epslanguage=en-gb
- 3) Right to work (SEE BELOW) – This site guides you through the process of establishing whether or not a person has permission to work in the UK:
www.gov.uk/legal-right-to-work-in-the-uk

If employers are unsure of the steps required to avoid employing illegal workers there is also a UKBA help line available: 03000 123 4699

3) RIGHT TO WORK CHECK IF SOMEONE CAN WORK IN THE UK

1. Does the worker have a UK passport?

Yes/No

2. Is the worker:

A British citizen? Yes/No

From Channel Islands, Isle of Man, Republic of Ireland? Yes/No

From EU, EEA or Switzerland? Yes/No

From somewhere else? Yes/No

3. Does the worker have a permit or visa showing their ongoing right to work in the UK? Yes/No

A permit or visa would show one of these:

They're exempt from immigration control

They have indefinite leave to remain

They have no time limit to their stay in the UK

They have a Certificate of Entitlement to Right of Abode (in a current, valid passport)

4. Does the worker have documents entitling them to work in the UK? Yes/No

The worker should have both of these documents to work in the UK:

An official document from a UK government agency (e.g. HM Revenue & Customs, Department for Work and Pensions, or the Social Security Agency in Northern Ireland) showing their National Insurance number

Either an ‘immigration status document’

Or

A letter from the Home Office saying that they have a right to permanent residence

5. Does the worker have a visa, biometric permit or residence document? Yes/No

The worker needs one of these:

***Visa for the relevant type of work**

***Biometric residence card for the right type of work (or a 'Certificate of Application' for a card less than 6 months old)**

***Document issued by the Home Office to a family member of an EU/EEA/Swiss national showing that they can work in the UK**

The worker MAY NOT be currently entitled to work in the UK.

If the worker can't produce any of these documents, they may not be entitled to work in the UK. They might need to be sponsored.

BEFORE YOU CAN SPONSOR AN EMPLOYEE

Before you can apply for a sponsorship licence you need to know which type of licence you need.

There are different categories (or tiers) of sponsorship for employees:

Tier 2 - skilled workers with a job offer

Tier 5 - temporary workers

TIER 2 - Skilled workers with a job offer

Tier 2 sponsorship can be:

*General - for people coming to work in the UK with a skilled job offer which is National Qualifications Framework (NQF) level 6 or above.

*Intra-company transfer - for multinational companies sending their employees to the UK for jobs of NQF level 6 or above

*Sportsperson - for elite sportspeople and coaches that will be based in the UK

*Minister of religion - for people coming to work for a recognised religious organisation (for up to 3 years)

TIER 5 - Temporary workers

Tier 5 sponsorship can be:

*Creative and sporting - to work as a sportsperson (up to 12 months), entertainer or artist (up to 24 months)

*Charity worker - includes both paid and voluntary workers (up to 12 months)

*Religious worker - for those doing preaching, pastoral and non-pastoral work (24 months)

*Government authorised exchange - for those coming to the UK through an approved scheme (24 months)

*International agreement - for those coming to the UK for a job that is covered under

*international law, e.g. employees of overseas governments

**Application for Review of a Premises Licence under
Section 51 of the Licensing Act 2003**

(1)

Reference number: B.3-194/2015
--

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

(2) **We SOUTH WALES POLICE**

Apply for the review of a premises licence for the premises described in Part 1 below

Part 1 - Premises details

Postal address of premises: Pisgah Street Newsagents & Off-Licence, 74 Pisgah Street	
Post town: Kenfig Hill, Bridgend	Postcode (if known): CF33 6BU
Telephone number: (01656) 745333	

Number of the premises licence holder: BCBCLP538; Issue 2 of 04/12/2014
--

Part 2 - Applicant details

I am

1) an interested party (Please complete section (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 businesses in the vicinity of the premises

Please tick / yes

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Delete any words that do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant(s)

2) A responsible authority (please complete (c) Below)

X

3) A member of the club to which this application relates (Please complete (A) below)

<input type="checkbox"/>

(A) Details of Individual Applicant (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title

<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	

(for example, Rev)

Surname

First Names

Please Tick / Yes

Day	Month	Year
-----	-------	------

I am 18 years old or over

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

Current address

Post town

Postcode

Daytime Contact telephone number

Email Address
(optional)

(B) Details of other applicant

Name and Address

Post Town

Postcode

Date of Birth

Day	Month	Year

Telephone Number (If any)

C) Details of Responsible Authority (please see guidance note 5)

SOUTH WALES POLICE

**THE CHIEF OFFICER OF POLICE
CHIEF CONSTABLE 4395 VAUGHAN
POLICE HEADQUARTERS
COWBRIDGE ROAD**

Post Town **BRIDGEND**

Postcode **CF31 3SU**

Telephone number

(01656) 655555

Email Address
(Optional)

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

Please tick one or more boxes ✓

1) The Prevention of Crime and Disorder

X

2) Public Safety

X

3) The Prevention of Public Nuisance

4) The Protection of Children from Harm

X

Please state grounds for review (please see guidance note 1)

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

There are a number of serious licensing offences referred to in the application however; they are currently "live" and are being dealt with by our partners and are therefore restricted and not for public consumption.

Details of these offences are appended to the application in a separate document.

PERSONS WHO ARE CURRENTLY RESPONSIBLE FOR THE PREMISE

The licence holder and Designated Premises Supervisor (DPS) is [REDACTED], a female Sri Lankan national, who has held these positions since July 2014.

She is also holder of a Personal Licence issued by Bridgend County Borough Council, reference BCBCLI1046.

THE PREMISE

The business is located on the ground floor of a terraced building which is situated on the main road through Kenfig Hill and may be classed as a general store which sells groceries, newspapers and alcohol.

There is a dwelling on the first floor with access from within the shop.

THE LICENCE

It is important that the Sub-Committee familiarise themselves with the licence which is appended to the application but briefly the only licensable activity authorised is the:

Supply of alcohol

The standard times the licence authorises the carrying out of licensable activities:

Monday to Saturday : 08.00 – 19.00 hours

Sunday : 08.00 – 13.00 hours

Opening hours of the premises:

Monday to Saturday : 05.30 – 19.00 hours

Sunday : 07.30 – 13.00 hours

There are mandatory conditions attached at ***Annex 1***, other conditions attached at ***Annex 2*** as well as further conditions which are extremely significant to the application as they have been blatantly ignored.

THE LICENSING OBJECTIVES

THE PREVENTION OF CRIME AND DISORDER

South Wales Police work in conjunction with our partners at the Home Office, Immigration and the United Kingdom Borders Agency (UKBA) exchanging information and intelligence and often accompanying UKBA on enforcement visits when immigration warrants are executed at licensed premises.

This partnership has evolved since an important part of Home Office licensing guidance relative to reviews was amended to specifically focus on enforcement around serious criminality involving the unlawful employment of migrants who have illegally entered or remain in the UK.

The guidance is referred to elsewhere in the review.

Occurrence of 19TH February 2015 @ 18.15 hours

A Sri Lankan national was found to be employed at the premise during a joint multi-agency licensing visit which involved South Wales Police and partner agencies Trading Standards and the Licensing Authority.

UKBA were not primarily involved but information later supplied by them revealed the employee to have illegally entered the UK.

Initially he was working alone however; [REDACTED] then appeared.

Numerous other offences were committed and some of these are the most serious under the Licensing Act and similarly fail to promote the crime prevention objective.

These offences are appended to the review.

PROTECTION OF CHILDREN FROM HARM

This objective is compromised not only for the reasons detailed above but also those outlined in the appended document.

PUBLIC SAFETY

This objective is also compromised as absolutely nothing is known of those migrants who are illegally "trafficked" into the country.

BRIDGEND COUNTY BOROUGH COUNCIL'S "STATEMENT OF LICENSING POLICY"

Section 12 refers to **REVIEWS OF LICENCES**

Sub-section 12.1 "Reviews of Premises Licences represent a key protection for the community in respect of problems during the term of a Premises Licence."

HOME OFFICE GUIDANCE UNDER SECTION 182 OF THE ACT

Section 1 refers to **LICENSING OBJECTIVES AND AIMS**

Sub-section 1.2 highlights that, "The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken."

Sub-section 1.3 details the objectives and **1.4** states that, "Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times."

Section 11 relates to **REVIEWS-**

Sub-section 11.1 "The proceedings set out in the 2003 Act for reviewing Premises Licences represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a Premises Licence."

"REVIEWS ARISING IN CONNECTION WITH CRIME"

11.27 "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously."

One of these activities is, "Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter."

11.28 It is envisaged that licensing authorities, the police 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."

The aforesaid guidelines are extremely specific to this application as they have been ignored.

Serious offences have been committed under the Licensing Act 2003, the Immigration Act 1971 and the Immigration, Asylum & Nationality Act 2006.

Guidance under the Licensing Act requires a clear emphasis on promoting the licensing objectives.

Illegal working is not a victimless crime as it exploits sometimes vulnerable migrants, potentially defrauds the taxpayer, can deny employees a safe working environment, undercuts honest employees and limits the employment opportunities of legitimate jobseekers.

As an individual has been illegally employed there are clearly working opportunities available however; they have been denied to persons who are lawfully able to work.

Employing illegal workers is likely to result in Her Majesties Revenue & Customs (HMRC) being deceived by avoiding paying tax and National Insurance contributions.

It is also arguable whether transient non-British nationals who speak very little or no English and have little or indeed no knowledge of licensing law promotes the licensing objectives.

Licence holders have attempted to absolve themselves of any blame for employing such individuals by indicating that they have been supplied with fraudulent identification documents.

However; this is misleading and demonstrates a complete lack of due diligence as UKBA offer an employee checking service which is freely available to employers who can and must verify the immigration status of potential migrant employees by conducting document checks against the UKBA database.

There is also a help line manned by immigration officials.

IMMIGRATION ISSUES

The guidelines are clear and unambiguous and are freely available to all employers on the Home Office website in detailed documents such as: ***AN EMPLOYERS GUIDE TO RIGHT TO WORK CHECKS*** and ***FULL GUIDE FOR EMPLOYERS ON PREVENTING ILLEGAL WORKING IN THE UK.***

The following has also been extracted from the website and is a:

SUMMARY GUIDE FOR EMPLOYERS ON PREVENTING ILLEGAL WORKING IN THE UK

“Illegal working has harmful social and economic effects on the UK; it undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working the UK will be an attractive place for illegal migrants. That is why we need to put a stop to employers breaking the law by taking tough action against those who do so.

There is evidence that some workers employed illegally are paid less than the minimum wage, do not pay tax, and may be doing dangerous work that breaks health and safety regulations. Employers who use illegal workers may do so because they want to avoid providing minimum standards, such as the National Minimum Wage and paid holidays. This is harmful to the workers involved and enables dishonest employers to gain an unfair advantage over competitors who operate within the law”.

In brief an illegal worker includes: -

- students with expired visas
- students working more hours than they are allowed to
- persons who work on a visitor's only visa
- persons who have illegally entered the UK

IMMIGRATION, ASYLUM & NATIONALITY ACT 2006 (KNOWN AS THE 2006 ACT)

The following information is also freely available on the website and is summary guidance for employees and Human Resources staff involved in recruiting people and aims at preventing illegal working in the UK: -

It contains important information and advice on:

- ***the law on illegal working***
- ***your role and duty as an employer***
- ***the document checks you should carry out***
- ***the various documents you could be given***
- ***the various types of immigration statuses held by people; and***
- ***the consequences if you do not carry out your duty and UKBA find you employing an illegal worker.***

THE LAW AND YOUR DUTY AS AN EMPLOYER

"The law on preventing illegal working is set out in sections 15 to 25 of the 2006 Act.

These rules came into force on 29th February 2008.

You are breaking the law if you employ a person who does not have the right to work in the UK.

You can be fined up to £20,000 for each illegal worker or face criminal prosecution."

YOUR DUTY UNDER THE 2006 ACT

"Under the 2006 Act you have a duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK.

You should check and keep copies of original, acceptable documents before someone starts working for you.

If a person has a time limit on their stay then you should carry out repeat checks at least once every 12 months.

If a person has a restriction on the type of work they can do and, or, the amount of hours they can work, then you must not employ them in breach of these restrictions.

You should also verify that a person has the right to work when certain documents or scenarios are presented to you.

You can find out more about carrying out document checks in the section 'Right to work document checks'.

This duty applies to anyone who starts working for you on or after 29 February 2008."

PENALTIES IF YOU FAIL TO CARRY OUT YOUR DUTY

If you do not carry out these checks you may be required to pay a fine, known as a civil penalty, under Section 15 of the 2006 Act if you employ an illegal worker.

An illegal worker is defined as someone who:

• **is subject to immigration control; and**

• **is aged over 16; and**

• **is not allowed to carry out the work in question because either they have not been**

granted leave to enter or remain in the UK or because their leave to enter or remain in the UK:

is invalid,

has ceased to have effect (meaning it no longer applies) whether by reason of curtailment, revocation, cancellation, passage of time or otherwise, or

is subject to a condition preventing them from accepting the employment.

A civil penalty up to a maximum amount of £20,000 for each illegal worker can be imposed on you.

We can serve you with a Notice of Liability to pay a penalty for a specific amount on behalf of the Secretary of State."

A Notice of Liability has since been replaced by a Referral Notice.

CRIMINAL OFFENCES COMMITTED

THE IMMIGRATION ACT 1971 (EMPLOYEE)

1) Offence: Enter/remain in the UK without leave contrary to Section 24(1)(a)

Penalty: Six months imprisonment and / or a fine not exceeding level five (£5,000) on the standard scale.

THE IMMIGRATION, ASYLUM & NATIONALITY ACT 2006 (EMPLOYER).

Section 15

1) It is contrary to this section to employ an adult subject to immigration control if:

a) He has not been granted leave to enter/remain in the UK or

b) His leave to enter/remain in the UK:

i) Is invalid

ii) Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise) or

iii) Is subject of a condition preventing him from accepting the employment

2) The Secretary of State may give an employer who acts contrary to this section a notice requiring him to pay a penalty of a specific amount not exceeding the prescribed maximum

Section 18

1) A sum payable to the Secretary of State as a penalty* under Section 15 may be recovered by the

Secretary of State as a debt due to him.

** Where a breach of Section 15 has occurred on or after 16th May 2014, the maximum civil penalty amount that can be imposed increased from £10,000 to £20,000 per illegal worker.*

Section 21

- 1) A person commits an offence if he employs another (the employee) knowing that that person is an adult subject to immigration control and that
 - a) He has not been granted leave to enter/remain in the UK or
 - b) His leave to enter/remain in the UK:
 - i) Is invalid
 - ii) Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise) or
 - iii) Is subject of a condition preventing him from accepting the employment

Penalty: Indictment - imprisonment for a term not exceeding two years, a fine, or both.

Summary - imprisonment for a term not exceeding 12 months in England and Wales or a fine, or both.

SECTION 10 OF THE IMMIGRATION & ASYLUM ACT 1999

Section 10 contains the provisions under which certain categories of people who are in the UK unlawfully may be subjected to administrative removal procedures.

A person who is not a British citizen may be removed from the UK, in accordance with directions given by an immigration officer,

If:

He/she does not observe a condition of his limited leave to enter/remain or remains beyond the period of his limited leave.

THE LICENSING ACT 2003

See appended document.

REVIEW RECOMMENDATIONS

As previously highlighted reviews represent a key protection for the community in respect of problems during the term of an authorisation.

Any decision made by the Sub-Committee must be taken following consideration of the representations received with a view to promoting the objectives.

In the case of a review the Sub-Committee may make a number of determinations which are highlighted within the guidance and the Officers Report.

The serious disclosures concern offences committed under the aforesaid acts which directly relate to the Licensing Act as the guidelines in relation to reviews in connection with crime detail that the immigration

offences in particular should be treated very gravely and give rise for review.

However; the review guidelines are considerably strengthened by the other offences evidenced.

CONCLUSION

Guidelines dictate that licensing authorities, the police and other law enforcement agencies will use the review procedures effectively to deter criminal activities one of which is the employment of a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

The guidance goes further and highlights that revocation of the licence, even in the first instance, should be seriously considered by Licensing Sub-Committees if it is determined that the premise is being used to further crimes which impacts on the crime prevention objective.

This is such a case as the off-licence is being used to commit offences under the Immigration Act and the Immigration, Asylum & Nationality Act.

Additionally the most serious of offences as well as other offences have also been committed under the Licensing Act representing a gross failure to promote the objectives.

South Wales Police respectfully suggest that the offences committed by the licence holder, who is also DPS are so grave that the only option open which would address the systematic failures outlined in these submissions is to: -

REVOKE THE LICENCE.

Please tick ✓ yes

Have you made an application for review relating to these premises before?

If yes, please state the date of that application

Day		Month		Year			

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

N/A

Please tick / yes
<input type="checkbox"/>
<input type="checkbox"/>

- I have sent copies of this form and enclosures to the responsible authorities and the premises license holder
- 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 of 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 notes 3 and 4)

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

Signature _____

Date **27TH May 2015**

Capacity **Chief Constable 4395 Vaughan**

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 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 we shall use to correspond with you about this application

PISGAH STREET CONVENIENCE STORE

On 19th February 2015 a joint South Wales Police, Trading Standards and Licensing Authority test purchase operation was conducted whereupon an employee was arrested and numerous licensing and immigration offences were detected.

As a consequence on 28th May 2015 South Wales Police made application to review the licence with a recommendation that it should be revoked.

A hearing was convened for 22nd July 2015 however; the day before the hearing Premises Licence, BCBCLP538, was surrendered.

The following were some of the conditions of the licence prior to its surrender: -

Licensable activities authorised by the licence:

Supply of alcohol

Times the licence authorises the carrying out of licensable activities:

Monday to Saturday: 08.00 – 19.00 hours

Sunday: 08.00 – 13.00 hours

FURTHER OFFENCES COMMITTED

On Monday 6th July 2015 officers of South Wales Police and the Licensing Authority conducted a further joint test purchase operation.

The following offences contrary to Section 136 of the Licensing Act 2003 were committed and Nagarajah Nagedirajah was on duty at the time along with an employee who was unqualified: -

A) Carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation and the conditions which form part of it

Or

B) Knowingly allow a licensable activity to be so carried on

1) 19.15 hours – Sale of alcohol outside the permitted hours

2) 19.31 hours – Sale of alcohol outside the permitted hours

3) 19.34 hours – Sale of alcohol outside the permitted hours

4) Contraventions of the following conditions of the licence: -

Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

1. The Premises Licence Holder will ensure that all staff complete an accredited licensing qualification.

NOT PROTECTIVELY MARKED

2. The Premises Licence Holder will ensure that staff assist wheelchair users on entering the premises and assist within the shop and a notice of such will be displayed on the entrance door.

PC 2458 Ellis
Divisional Licensing Officer



Licensing Enforcement representations in support of an application for review of a premises licence

Licensing Enforcement of Bridgend County Borough Council supports the application made by South Wales Police to review the premises licence of Pisgah Street Newsagents & Off Licence, 74 Pisgah Street, Kenfig Hill, Bridgend, CF33 6BU and make the following representation.

1. Introduction

Licensing Enforcement Officers are responsible for the enforcement of conditions set on Premises Licences under the Licensing Act 2003. The team is also responsible for investigating licensing related complaints received by the Council.

2. Concerns over management of the premises under the Licensing Act 2003

The service notes the evidence of South Wales Police and shares the concern that Pisgah Street Newsagents & Off Licence, 74 Pisgah Street, Kenfig Hill, Bridgend, CF33 6BU is failing to promote the licensing objectives.

Summary

Mrs [REDACTED] assumed responsibility for Pisgah Street Newsagents & Off Licence, 74 Pisgah Street, Kenfig Hill, Bridgend on 02 July 2014 and became Designated Premises Supervisor on the same date.

On 19 February 2015 an underage test purchase operation was carried out on a number of premises in the County Borough of Bridgend. On the evening of 19 February 2015 an underage volunteer entered Pisgah Street Newsagents & Off Licence, 74 Pisgah Street, Kenfig Hill, Bridgend and at approximately 18:16 hours the said volunteer was served an alcoholic beverage, namely 4 x Cans of Strongbow dark fruits. Immediately after the sale had taken place, Pisgah Street Newsagents & Off Licence was entered by officers of South Wales Police, along with a member of Trading Standards and a Licensing Enforcement Officer.

Along with the section 146 offence 'the sale of alcohol to children', a number of other offences were noted at the time of the visit and on returning to the Licensing Office.

Section 57 - Duty to keep and Produce Licence

Section 127 - Duty to notify change of name or address

Section 137 - Exposing Alcohol for unauthorised sale

Section 138 - Keeping alcohol on premises for unauthorised sale etc.

While in attendance at the premises, it was noted that Part B was not displayed, but page 1 of Part A was incorrectly displayed at the service area. I enquired with the shop assistant as to whether Part B of the premises licence was displayed in any other location, to which he advised he didn't know.

It is a requirement under section 57 (2) and (3) of the Licensing Act 2003 that:

(2) The holder of the premises licence must secure that the licence or a certified copy of it and a list of any relevant mandatory conditions applicable to the licence are kept at the premises in the custody or under the control of—
(a) the holder of the licence, or
(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

(3) The holder of the premises licence must secure that—
(a) the summary of the licence or a certified copy of that summary, and
(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2) are prominently displayed at the premises.

Whilst the Premises Licence Holder and Designated Premises Supervisor Mrs [REDACTED] was helping PC 2458 Ellis and PC 5102 Rowlatt with their enquiries, David Smith, Fair Trading Officer, enquired with a member of staff as to whether there were any refusal records at the store, David Smith was advised by the member of staff that he wasn't aware of any records, the staff member, assisted by David Smith searched behind/under the counter for any records. No records could be located, David Smith then asked the member of staff if the till had electronic prompts, to which he was advised it did and this was demonstrated by scanning a bottle of alcohol through the till.

With the Sale of alcohol to a person under the age of 18, no refusal records and clear evidence that till prompts are not being utilised a number of conditions on the premises licence are clearly being breached.

Annex 1 - Mandatory Conditions:

- 3) *The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.*
- 4) *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 a holographic mark.*

Annex 2 - Conditions Consistent with the Operating Schedule

The protection of children from harm:-

1. *The Premises Licence Holder will ensure that any person who wishes to purchase alcohol and appears to look under the age of 18 years must produce proof of age in the form of pass accredited ID, photo driving licence or passport.*
2. *The Premises Licence Holder will ensure that a refusals register is maintained which will detail in chronological order the time and date any sale of alcohol is refused, including the name and signature of the staff member responsible, the product, a description of the customer and a comments section. The register will be countersigned on a weekly basis by the Designated Premises Supervisor.*

On the evening of the test purchase a member of staff at the premises was asked if he held a Personal Licence Holder or had attended any alcohol courses to which he stated he was not and had not attended any courses.

Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

1. *The Premises Licence Holder will ensure that all staff complete an accredited licensing qualification.*

On returning to the Licensing Office and checking the premises licence and plan, it was noted that the premises had been substantially altered, with the licensable area increasing by approximately 50%, yet no application had been

made and, therefore, the majority of the alcohol was being exposed for sale in an unlicensed area.

On the evening of 19 February 2015 Mrs [REDACTED] produced her Personal Licence which showed her previous address and, therefore, had not been updated contrary to section 127 of the licensing Act 2003

2. Conclusion

In light of the above, Licensing Enforcement has no confidence that the management at Pisgah Street Newsagents & Off Licence, 74 Pisgah Street, Kenfig Hill, Bridgend is effectively promoting the Licensing Objectives under the Licensing Act 2003.

This review is welcomed as a means of identifying the most appropriate way to ensure that these concerns are addressed.

Fiona Colwill
Licensing Enforcement Officer