

**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.

NOT PROTECTIVELY MARKED

**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="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

Licensing Act 2003
Section 51 and 87

- 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

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

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

NOT PROTECTIVELY MARKED



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