

Blackpool Council Licensing Service
Representation made by a Responsible Authority

Responsible Authority

Name of Responsible Authority	Licensing Authority		
Name of Officer <i>(please print)</i>	Mark Marshall		
Signature of Officer			
Contact telephone number	01253-478493		
Date representation made	26	02	2015
Do you consider mediation to be appropriate	YES	NO	

Premises Details

Premises Name	Abingdon News
Address	Stall 13, Abingdon Street Market
	Blackpool
Post Code	FY1 6DZ

Details of your representation (Please refer and attach any supporting documentation)

The premises were Reviewed in early 2013 for concerning practice in connection with failing to follow simple instruction properly given, the instruction were not to serve less than 10 individual problem street drinkers who were regularly causing Public Nuisance in and around the market.

The Licensing Committee and the responsible authorities approached the hearing in a very pragmatic way deciding that the imposition of conditions COULD be appropriate depending on the implementation and maintenance of such conditions, a judgement call was made to give the benefit of the doubt to the licence holders that they would rectify the concerns that were identified in the application and comply fully with the conditions imposed.

A copy of the text from the Decision Notice is found below;

The Blackpool Council being the licensing authority on the 30th November 2012 submitted an application to review the premises licence issued in respect of Stall 13, Abingdon Street Market, Blackpool FY1 1DE

The Council have determined to deal with the review to reflect the agreement between the parties by issuing a warning to the Premises Licence Holder and adding conditions to the licence.

Decision

Having taken into account the papers in this case and the agreement reached between the parties the panel have decided to issue a warning to the premises licence holder. Whilst the panel cannot bind a future panel, an indication is given that should this licence be reviewed in the future, as a minimum, the likely sanction will be a suspension.

The panel also add the following conditions to the licence:

1. The premises licence holder and her husband will undertake the personal licence holder's course run by Blackpool Council. Such course to be completed by 30th April 2013.
2. The licence holder will exclude all persons properly notified to them by the police or other responsible authorities. Exclusions will include the refusal of all alcoholic drinks. Notifications will be given in writing with photographs and will be implemented on service until further notification from the servicing authority.
3. CCTV will be installed internally at the premises and will comply with the following:
 - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. The entrance, the till and alcohol fridge areas are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - b) The system will display on any recording the correct time and date of the recording.
 - c) The system will make recordings during all hours the premises are open to the public.
 - d) VCR tapes or digital recording shall be held for a minimum of 31 days and 21 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for Responsible Authority for inspection upon request.
 - e) The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
4. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
5. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

Date: 30th January 2013

A review of the licence has been sought by Weights and Measures following the discovery of counterfeit vodka which took place on the 12th January 2015

On the 26th February 2015 Mark Marshall and Gareth Shaw visited the premises, the market manager was spoken to and questioned as to whether he had further problems with the store, he confirmed that he didn't but added that the market has been very quiet for the last 18 months.

At 10.35 we entered the stall to find Mr Ghandi serving behind the counter, an explanation of the visit was given, which was to establish compliance with the conditions of the licence and to examine the Health and Safety position at the stall.

With regards to licensing compliance, this was disappointing, the CCTV equipment looked poorly maintained with intermittent faults appearing on the monitor, when asked to recall images from yesterday, Mrs Ghandi attempted unsuccessfully for 5-10 minutes to retrieve data, conceding eventually that her husband knew how to do it but was up at the hospital.

With regards to the staff training, no written staff training was in place with Mrs Ghandi pointing out that her and her husband had attended the personal licence course.

This is a small family operation with no employees, just MR and Mrs Ghandi, it does seem a very easy step to have a simple instruction in place to cover this Licensing Condition but a step the licence holder has omitted along with the CCTV requirement, which is to have someone competent to operate the CCTV equipment on site at all times.

The organisation of the stall was poor, again what does become very apparent is the management and maintenance of such a modest establishment should be straight forward but the conditions that prevailed give rise for concern as it was very dirty and disorganised.

The CCTV and the staff training requirements were conditions imposed after the review in 2013 so again I would question the ability and attitude of the licence holder as these simple matters have been overlooked.

The initial Offence of selling counterfeit goods was detected on the 12th January 2015, Mrs Ghandi was notified of the concerns at the time of the inspection, again a prudent operator would at least have thought to obtain the CCTV images of the supplier to assist Authorities in the detection of the offender.

However when interviewed on the 4th February Mrs Ghandi seemed to rely on the fact that too much time had elapsed since the supply and the images were no longer available.

The condition of the licence requires 31 days of images to be held, the receipt produced is not dated, it just says December 2014 and the description provided is unhelpful in the extreme. Mrs Ghandi described the male as, "White, between 5ft 6 and 6ft wearing a blue jacket."

The whole account is vague beyond belief, no date for the invoice, no name of the supplier, no meaningful description and no CCTV images of the supplier despite him attending the stall.

The submission would be that the Licensing Authority can have little or no confidence in such an operator and bearing in mind they operate within a saturated ward, confidence in the operator is of the utmost importance.

For New / Variation Applications only.

It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.