

Public Document Pack

Blackpool Council

29 May 2014

To: Councillors Hunter, Hutton, O'Hara and Mrs Taylor (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Thursday, 5 June 2014 at 11.00 am
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

**4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BOLTON NEWS, 90-92
BOLTON STREET (Pages 1 - 32)**

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Bolton News
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Bolton News

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157 , e-mail: lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	5 th June 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BOLTON NEWS

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for the Bolton News submitted by Weights and Measures and the relevant representations.

2.0 Recommendation(s):

2.1 Members will be requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Licensing Panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the application and the representations must be considered.

4.0 Background Information

4.1 Application

Bolton News, 90-92 Bolton Street Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 07.00 - 23.00 hours daily.

On 9th April 2014, the licensing service received an application to review the premises licence on the ground of protection of children from harm. A copy of the application is attached.

The premises licence holder and Designated Premises Supervisor is Mr Chanthirasekaren Chanthrakumar

4.2 Local policy considerations

The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves the:

1. Underage purchase and consumption of alcohol
2. Continuous breaches or contraventions of licence conditions
3. Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
4. Where serious risks to children have been identified
5. Not operating the premises according to the agreed operating schedule

Underage sales - the licensing committee will view very seriously premises reviewed due to under age sales and although each review application will be determined on its own merits, licence holders will be expected to explain how the sales took place, and what measures have been put in place to minimise the risk of such sales taking place again.

4.3 National policy considerations

Where the licensing authority considers that action under its statutory powers are appropriate, it may take the following steps:

1. Modify the conditions of the premises licence
2. Exclude a licensable activity
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence.

4.4 **Observations**

The licence is currently subject to the following conditions:

Annex 1 - Mandatory conditions

1 No supply of alcohol may be made under the premises licence -

a) At a time when there is no designated premises supervisor in respect of the premises licence,
or

b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Annex 2 - Conditions consistent with the Operating Schedule

1 All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

2 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the Enforcement Authorities.

3 The premises are operated in accordance with the principles outlined by the 'Nightsafe' Initiative, as are relevant to those premises, and indicated in the associated leaflet.

4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

5 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 4a Application for review from Weights and Measures

Appendix 4b Representations from Social Services

Appendix 4c Representations from the Licensing Authority

Appendix 4d Representations from Lancashire Constabulary

6.0 Legal considerations:

6.1 Please see local and national policy in the background information.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

Blackpool Council

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

LICENSING ACT 2003

***Review
requested by:***

Weights & Measures

Built Environment

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. You may wish to keep a copy of the completed form for your records.

I	Lois Peers
----------	------------

[insert name of person requesting review]

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

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	Bolton News								
	90 – 92 Bolton Street								
	Blackpool	Post Code	F	Y	1	6	A	A	A
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Chanthirasekaren Chanthrakumar									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL1480	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

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

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

(2B) Other Applicant or Representing Body

Name											
Address											
						Post Code					
						Post Code					
Telephone No.											
Email Address											

(2C) Responsible Authority applicant

Name	Lois Peers on behalf of Weights & Measures Authority											
Address	Progress House											
	Clifton Road											
	Blackpool					Post Code	F	Y	4		4	U
Telephone Number	01253 478389											
Email Address	lois.peers@blackpool.gov.uk											

Part 3 – Reason for Review

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

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

Please state the ground(s) for review (please read guidance note 2 before completing)

This review is brought by the Weights and Measures department following the premises selling alcohol to a 15 year old female volunteer during a test purchase exercise and two visits being conducted within the last two months with the HMRC which resulted in non-duty paid alcohol being seized and removed from the premises.

Chronology of Issues

On the 11th July 2013 a joint operation with the HMRC was undertaken across Blackpool and Bolton News was inspected in relation to non duty paid alcohol. During the inspection the Customs Officer identified and seized 13 cases of strong strength lager that they suspected had been smuggled with no duty paid. No receipts for the items could be produced and the alcohol was removed by the HMRC. (**Document 1**)

On the 1st November 2013 another joint operation with the HMRC was undertaken and Bolton News was re-inspected as further intelligence had come in regarding non-duty paid alcohol. On inspection the Customs Officer identified and seized 90 cases of strong strength lager. Again no receipts for the items could be produced and the alcohol was removed by the HMRC (**Document 2**).

On the 21st February 2014 at 19:31 hours a 15 year old female volunteer (shown below) entered Bolton News, 90 – 92 Bolton Street, Blackpool under the instruction of a Police Constable and Weights and Measures Officer. The 15 year old volunteer was sold a bottle of Cherry VK for £3.49. The seller on this occasion was Elankumaran Subramanian D.O.B 08/01/1975. The seller has now left the premises and his address. This seller has been uncontactable since. On the evening of the sale a Mr Sithamparapillai was also occupying the flat above the premises and came down to speak to the officers dealing with the matter. I have enclosed a copy of the statement from PPO Paul Crook whom dealt with the sale on the evening (**Document 3**).

Volunteer
Date of Birth 05/09/1998
15 years old at the time of sale



As a result of this sale an intervention meeting took place on the 11th March 2014 involving Weights and Measures, Lancashire Constabulary and Chanthirasekaren Chanthrakumar (listed on the Premises Licence as Premises Licence Holder and Designated Premises Supervisor). During this meeting no training records relating to Underage Sales could be provided for any of the staff at Bolton News prior to the sale taking place. During this meeting Mr Chanthrakumar admitted that he did not have anything to do with the day to day running of the business and that in fact he had no interest in the premises at all. Mr Chanthrakumar advised he actually works/owns a store at 151 Palatine Road, Blackpool. He advised that his brother owns the premises at Bolton Street and that Thevakanthan Sithamparapillai is the owner of the business and manages the day to day running. He also advised that Mr Siphthamparapillai has been in place since June/July 2013. The current manager had no training in place despite being advised on a number of occasions.

During this meeting Mr Chanthrakumar was advised that he needed to apply to the council immediately to get the premises licence adjusted as he claims to have no interest in the premises/property and therefore he should not be listed as DPS or Premises Licence Holder. It was very clear during the meeting that Mr Chanthrakumar did not have any insight or knowledge of the day to day running of the business as he was very unsure of the staffing especially in respect of whom the actual seller was. He advised that any training he has given has been verbal generally and basically just advising his staff to ask for ID however as he did not know this individual seller or staff he could not confirm he had given him training (**Document 4**).

On each of these occasions Thevakanthan Sithamparapillai has been the manager of this shop so neither the Premises Licence Holder or DPS has been taking their responsibilities within the shop seriously.

Mr Chanthrakumar has not instigated so far any of the advice or recommendations given to him in respect of the above and at present no applications have been made to the licensing department to request a change of DPS or Premises Licence Holder.

We feel is a necessary and proportionate to revoke the premises licence.

Document 1

STATEMENT OF WITNESS


(Criminal Procedure Rules 2005, r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Chris Jarvis

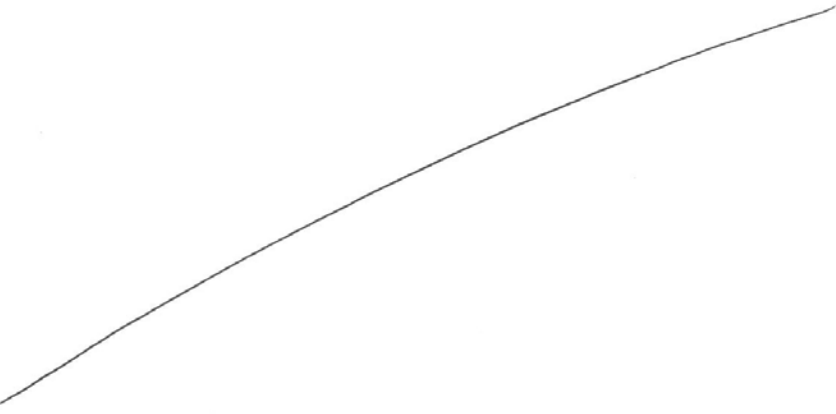
Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Public Protection Officer

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

Signature  Dated 3/4/14

I am employed by Blackpool Council as a Public Protection Officer in the Trading Standards Section based at Progress House, Clifton Road, Blackpool, FY4 4U. On 11th July 2013, I took part in a joint operation with HMRC visiting business premises in Blackpool in relation to unpaid duties on alcohol. During an inspection at Bolton Street Booze and News the Customs Officer identified and seized 13 cases of strong alcohol lager that they suspected were smuggled with no duty paid. No receipts for the items could be produced and the alcohol was removed by HMRC. I had no further dealings in this matter.



Signature  Signature witnessed by

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of **Lois Peers**

Age if under 18 (if over 18 insert 'over 18) **Over 18**

Occupation **Public Protection Officer**

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

Signature *elers* Dated *09-04-14*

I am the above named person and employed by Blackpool Council as a Public Protection Officer in the Trading Standards Enforcement section. On the 1st November 2013 an inspection was undertaken at Bolton News, 90 – 92 Bolton Street, Blackpool as part of a joint operation with the HMRC. During the inspection the Customs Officers identified and seize 90 cases of strong alcohol lager that they suspected were smuggled with no duty paid. No receipts could be produced by Sithamparapillai Thevakanthan who was present at the time of the inspection. The alcohol was removed by the HMRC and I had no further dealings with the matter. *elers*

Signature *elers* Signature witnessed by

STATEMENT OF WITNESS


(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of Paul Richard Crook

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation Public Protection Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true

Signature  Dated 4th March 2014

I am employed by Blackpool Council as a Public Protection Officer in the Trading Standards Section based at Progress House, Clifton Road, Blackpool. I am a duly authorised officer to enforce the provisions of the Licensing Act 2003. On 21st February 2014, I was lead officer during an underage alcohol survey with PC533 Darren West of Blackpool Licensing Police, Trading Standards Manager, Glen Phoenix, Public Protection Officer, Shaun McKinney and a 15 year old female volunteer. I produce a copy of a picture of the volunteer, taken on the night prior to the exercise as Exhibit No PRC1. At around 19.40 hours myself and PC West entered the premises of Bolton Street News, 90-92 Bolton Street, Blackpool, after PPO McKinney handed to me a bottle of Cherry VK 70cl, that had been purchased by the volunteer some ten minutes or so earlier. PPO McKinney pointed out the seller to me before we entered the premises, and myself and PC West introduced ourselves to the seller, who appeared to speak limited English. He was indentified by a German ID card as Elankumaran Subramaniam, and he advised us that he lived above the shop, although his driving licence had the address of 114 Jonathans, Coffee Hall, Milton Keynes, MK6 5DP.

 Signature witnessed by

The seller called another male from upstairs, who was identified as Sithamparapillai Thevakanthan, and he initially advised us that he was the DPS, although he later advised us that he was just a personal licence holder, producing his card, numbered LN/20500117. He advised us that the DPS was a man called Chanthirasekaren Chantrakumar, who was at his other shop on Palatine Road. I requested to see the training records for Mr Subramaniam, but Mr Thevakanthan advised me that there were no training records for the seller, as he had only been there for two or so weeks, and he was waiting for forms from the council, although there are no records for this request. The refusal book was signed by me in the shop, and was last used on 20th November 2013. I produce a copy of the Notice of Alleged Offence, numbered 0420, as Exhibit No PRC2, and details of the sale as Exhibit No PRC3. On returning to the offices, I searched the LalPac register, and could only find one off licence on Palatine Road, namely Bells Convenience Store at 151 Palatine Road. However the DPS is down as a Amar Khan, and there appears to be no record of Chanthirasekaren Chantrakumar being DPS in that premise.



Signature Signature witnessed by

Blackpool Council

Intervention Meeting

Licensing Act 2003

Business Name	Bolton Street News
Business Address	90-92 Bolton Street Blackpool
Date & Time of Meeting	10:55 @ 11/3/14
Place of Meeting	
Trading Standards Representative(s)	L. Peers
Lancashire Constabulary Representative(s)	Lisa Evans 3842
Shop Representative(s) and Position	Chanthirakaren Chanthrakumar

Training Records

Issue	Produced to Officers	Date	Copied
For individual Seller	None		
For all staff			
Refusals Register/ Audit trail on the EPOS			
Signage in the Shop			
Authorisation of Sales			

Notes of Meeting

Personal licence issued by City of Liverpool
Licence No: 082688 exp 06/08/2018
owns corner 151 Pelawie Rd also
DPS + PLH
seller worked for one month & has now left
07404508237 - contact telephone number for seller.

He mainly works at the Palahied store & does not work at Bolton street News.

He does not know who the seller was or recognise his name. Advises he does not know who works in the shop. PLM telephoned & advises that THEVAKANTHAN SITHAMPARAPILLAI DOB. 08.07.72 Sri Lanka, he ~~has~~ advised that as he ~~is~~ has the day to day running that he should be CIPS.

PLM then advised his brother ~~owns~~ the Bolton street news shop & not him.

No training records for the seller.

Now states THEVAKANTHAN SITHAMPARAPILLAI who is the owner of the business

Advised as he claims he does not own the business he shouldn't be claim as PLM.

Sister's husband

Advised that it needs to be changed.

The PLM does not have any proper knowledge of the shop. Claims to have previous records.

Asked what training "always ask for ID" ^{claims she} has a training record but struggles to explain

what is enclosed although talks about ID.
mainly verbal training

Owner of Balta street News has been in place
since 01/July 2013.

Palatine Road shop.

claim as Mr. Khan but PLH (Balta St)

- CHANTHRAKOMAR is actually the owner
+ wife charged to DPS.

- advised I would forward training documents
owner since 2011.

advised to get training records sorted +
I want to see they were done.

Name of person who has the day to day
running of shop:

Part 4 – Other relevant information

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


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

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

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

Part 5 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Lois Peers
Capacity	Public Protection Officer
Date	09.04.2014

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)						
Title:	Mr	Mrs	Miss	Ms	Other	
Forenames				Surname		
Address for Correspondence associated with this application						
					Post Code	
Telephone Number				Mobile Number		
E-Mail Address						

Notes for Guidance

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

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Blackpool Council Licensing Service

Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate

Responsible Authority making representation

Name of Responsible Authority	Social Services at Progress House			
Name of Officer <i>(please print)</i>	David ARMER – Child Protection Licensing Officer			
Signature of Officer	D Armer			
Contact telephone number	01253 477710			
Date representation made	01	05	14	
Do you consider mediation to be appropriate				NO

Name of Responsible Authority / Applicant who requested a review of this Licence

Weights & Measures

Premises Details

Premises Name	Bolton News
Address	90/92 Bolton Street
	Blackpool
Post Code	FY1 6AA

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

The Blackpool Council Plan 2013/2015 attaches a high priority to protecting and keeping safe children and young persons

My role as Child Protection Licensing Officer focusses on managing the various risks that makes both children and adults unsafe; alcohol constituting a significant risk factor.

In the LACORS/ADSS Guidance for Social Services and Licensing Authorities, one of the risk factors identifies any DPS/Licence Holder, being found guilty of underage sales of alcohol. Control measures include persons under 18 not being admitted, together with evidence of appropriate and thorough staff training. Any age identification scheme should be rigorously followed

It is of particular concern that the premises failed the test purchase on the 21st February 2014, together with a total absence of relevant training and training records

I firmly support Weights and Measures in their application for review

David ARMER

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Blackpool Council Licensing Service

Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate

Responsible Authority making representation

Name of Responsible Authority	Licensing Authority		
Name of Officer <i>(please print)</i>	Mark Marshall		
Signature of Officer			
Contact telephone number	01253 478494		
Date representation made	06	05	2014
Do you consider mediation to be appropriate			NO

Name of Responsible Authority / Applicant who requested a review of this Licence

Weights and Measures

Premises Details

Premises Name	Bolton Street News
Address	90-92 Bolton Street
	Blackpool
Post Code	FY1 6AA

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

The Premises Licence holder appears to have little or no regard to the Following Licensing Objectives;

1. Prevention of Crime and Disorder- Breach of the Licensing Conditions was highlighted verbally and followed up in writing. This related to no staff training in relation to age related products. The premises was later tested on an underage sales exercise and subsequently failed. The officer conducting the test asked for the production of the training records and nothing could be produced despite the Licence Holder being previously warned to have these measures in place- A prosecution under Section 136 of the Licensing Act 2003 is currently going through the Magistrates.

2. Protection of Children from Harm- Whilst slightly duplicitous the circumstances that impact on the Protection of Children from Harm Objective relate to no training and a failed test purchase as evidenced by Weights and Measures.

Please also find additional statement and warning letter sent to the Licence holder.

Representation submitted 13.00hrs on the 6th May 2014.

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STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Mark Marshall

Age if under 18 (if over 18 insert 'over 18)

Occupation: Licensing & Health & Safety Manager

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

Signature Date

I am Mark Marshall and I am currently employed as the Licensing and Health & Safety Manager for Blackpool Council. As such I am duly authorised to enforce the Licensing Act 2003. On Wednesday 22nd January 2014 I was on duty in the company of PC Emma Pritchard when at 12.20 hrs we visited 90-92 Bolton Street, known as Bolton Street News. The premises has a licence to sell alcohol issued by Blackpool Council. A copy of the premises licence is exhibited as MM01. I had a cursory look around the premises whilst PC Pritchard spoke with Sithamparapillai Thevakanthan. It was quickly established that there was no evidence that staff had been properly trained in relation to underage sales and the male in charge of the premises was unable to produce any records to evidence the fact that staff had been properly trained, this being a condition of the premises licence which states; "All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises". Records to evidence this will be made available to our authorised officer upon request. I later sent the licence holder Chanthiraskaren Chanthrakumur a letter advising them of the breach of licence disclosed. On the 21st February 2014 the sale of alcohol to a child took place as detailed in the statement of Paul Crook, again on this evening no training records could be produced. A copy of the warning letter sent by me is exhibited as MM02.

Signature Dated

This page is intentionally left blank

Date: 20th February 2014

Chanthirasekaren Chan
90-92 Bolton Street
Blackpool
FY1 6AA

Our Ref: MM/CLF
Direct Line: (01253) 478483
Email: mark.marshall@blackpool.gov.uk

Dear Madam

Re: PL1480

I write further to my visit on the 22nd January 2014 where I visited to check compliance with conditions on your premises licence. I write to follow up the concerns noted at the time

At the time of my visit which was at 12.20 hours on the 22nd January 2014 I requested to see evidence that the staff had been properly trained, this is a condition of your Premises Licence and would serve as a defence for you should a staff member inadvertently commit an offence under Section 146 of the Licensing Act 2003, which is selling alcohol to anyone under the age of 18.

It was clear at the time that alcohol was available for sale so all conditions of your licence must be complied with to avoid the commission of an offence, namely Section 136 of the Licensing Act 2003 which in essence states any person who offers Licensiable activity other wise than in accordance with a permission can be fined a maximum of £20,000 and or up 6 months in prison. This section extends to circumstances where a permission is in place (a Licence) but 1 or more of the conditions are being breached.

Should you require assistance way of training disks, I can provide a good one at your request.

Yours faithfully

Mark Marshall
**Licensing/Health and Safety
Enforcement Manager**

Public Protection Division
Licensing Enforcement
Progress House
Clifton Road
Blackpool FY4 4US

Contact
T: (01253) 478375

www.blackpool.gov.uk

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Blackpool Council Licensing Service

Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate

Responsible Authority making representation

Name of Responsible Authority	LANCASHIRE CONSTABULARY		
Name of Officer <i>(please print)</i>	P.C 3842 EVANS		
Signature of Officer			
Contact telephone number	01253 604005		
Date representation made	06	05	14
Do you consider mediation to be appropriate	YES	NO	

Name of Responsible Authority / Applicant who requested a review of this Licence

Blackpool Council Licensing Authority

Premises Details

Premises Name	Bolton News
Address	90-92 Bolton Street
	Blackpool
Post Code	FY1 6AA

Details of your representation in support of the review application
(Please reference & attach supporting any documentation)

The Police wish to support the Review made by Trading Standards in relation to the above premises.

As per the attached file notes a Test Purchase operation was conducted using a 15 year old volunteer and she was served alcohol to by a member of staff. The DPS/Premises licence holder was then asked to attend an intervention meeting with Trading Standards and the Police and was asked to bring with them all Training documents. On the day the DPS/PLH attended the meeting but failed to bring the training documents. During the meeting it became apparent that the current DPS/PLH has no dealings with the premises and does not know who works at the shop. He was advised that he needed to come off as the DPS for the premises as the DPS needs to have the day to day running of the business. This has still not been changed.

The police have serious concerns that there is no training in place for the staff in relation to Proof of Age and that there is no management in place. The Police have limited confidence that the promotion of the Licensing Objectives is being upheld.

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Licensing File Note

Premises : BOLTON STREET NEWS

Information/Complaint: INTERVENTION MEETING

Log/Crime Number :

Date premises visited : 11TH MARCH 2014

Persons Spoken to : CHANTHIRASKAREN CHANTHRAKUMAR

Action Taken: FOLLOWING ON FROM THE FAILED TEST PURCHASE OPERATION ON 21ST FEBRUARY WERE A 15 YEAR OLD FEMALE VOLUNTEER WAS SERVED BY ELANKUMARAN SUBRAMANIAM, TRADING STANDARDS WROTE TO THE PREMISES LICENCE HOLDER/DPS AND ARRANGED FOR THEM TO ATTEND THE TRADING STANDARDS OFFICE FOR AN INTERVENTION MEETING AND INFORMED TO BRING WITH THEM ANY TRAINING DOCUMENTS FOR THE STAFF AT BOLTON STREET.

ON 11TH MARCH CHANTHIRASKAREN CHANTHRAKUMAR ATTENDED THE MEETING WHICH WAS HELD BY LOIS PEERS FROM TRADING STANDARDS AND MYSELF. CHANTHRAKUMAR WAS ASKED WHAT TRAINING RECORDS HE HAD WHICH HE COULD NOT PROVIDE ANY AND WAS ALSO ASKED WHAT TRAINING IS GIVEN TO THE STAFF AND HE EXPLAINED THAT THEY ARE TOLD TO ALWAYS ASK FOR I.D THIS APPEARS TO BE ALL GIVEN VERBALLY BUT HE WAS UNABLE TO GO INTO DETAIL WITH US.

I ASKED HOW LONG THE SELLER HAD BEEN WORKING AT THE PREMISES AND HE COULD NOT TELL ME I ASKED A FEW OTHER QUESTIONS ABOUT THE SELLER TO THE POINT THAT HE MADE A CALL TO UNKNOWN PERSON AND HAD TO ASK INFORMATION ABOUT THE MALE FOR US AND I GOT THE IMPRESSION HE KNEW NOTHING ABOUT THIS STAFF MEMBER, SO I CHALLENGED HIM ABOUT THIS WHICH IS WHEN HE CONFIRMED THAT HE DOES NOT KNOW WHO WORKS AT THE SHOP AS HE HAS A SHOP ON PALATINE ROAD (BELLS CONVENIENCE) AND IS ALWAYS THERE.

I ASKED HIM WHY HE WAS STILL SHOWN AS BEING THE PLH AND DPS FOR BOLTON STREET IF HE HAS NOTHING TO DO WITH THE BUSINESS AND EXPRESSED MY CONCERNS ABOUT HIS ROLE AS DPS FOR THE PREMISES IF HE DID NOT HAVE THE DAY TO DAY CONTROL OF IT

AGAIN HE COULD NOT ANSWER WHY THIS WAS THE CASE. I ASKED WHO ACTUALLY RAN THE SHOP AND IT WAS CONFUSING EXPLANATION WHICH FOLLOWED BUT I BELIEVE THAT HIS BROTHER OWNS THE PREMISES I.E THE BUILDING AND THIS IS THEN LEASED OUT TO A THEVAKANTHAN SITHAMPARAPILLAI AND THE THIS IS WHO RUNS THE SHOP AND THIS HAS BEEN THE CASE SINCE JUNE 2013. I EXPLAINED THAT HE NEEDED TO COME OFF AS BEING THE PLH AND THE DPS AND THAT THEVAKANTHAN SITHAMPARAPILLAI SHOULD BE PUT ON THE LICENCE. I GOT THE FEELING THAT THIS WAS TO FALL ON DEAF EARS WHICH GIVES ME CONCERNS ABOUT THESE PREMISES.

Officer: PC 3842 EVANS

Further Action Required Yes

If 'Yes' Indicate details KEEP EYE ON CHANGE OF PLH AND DPS STATUS.