

Public Document Pack

Blackpool Council

8 July 2014

To: Councillors Cox, Evans, O'Hara, Smith and G Coleman (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Friday, 18 July 2014 at 1.00 pm
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- THE GAZETTE (Pages 1 - 38)

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

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 :	18 th July 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- THE GAZETTE

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for The Gazette submitted by the Licensing Authority 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

The Gazette, 154 Lytham Road, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 00.00 each day.

On 22nd May 2014, the Licensing Service received an application to review this premises licence on the grounds of crime and disorder and public safety. A copy of the application is attached.

The licence holder is Ahsan Khan. When the review was submitted, the Designated Premises Supervisor was Elankeeran Rajakulam. On the 25th June 2014, Nakulendran Kandasamy was named as Designated Premises Supervisor.

4.2 Local policy considerations

The section of the policy on reviews is relevant, however please see observations from the Licensing Authority on the work done by the Licence holder since the review was submitted.

4.3 National policy considerations

Section 11 reviews is relevant in particular paragraph 11.20:

" In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response."

4.4 Observations

The licence is currently subject to the following conditions:

Annex 1 - Mandatory conditions

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

a) Monday to Sunday 0800 - midnight

(See Annex 2 for non-standard timings)

The above restrictions do not prohibit:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

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

3 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.

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

5 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year 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.

6 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:

- a. "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where:
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

1 The hours for the sale of alcohol will be extended until 0200 during the following periods:

- a. From the weekend prior to Valentines Day until 0200 hours on the Monday of the next weekend
- b. From the weekend prior to Mother's Day until 0200 hours on the Monday after Mother's Day
- c. From the weekend prior to Scottish weekend until 0200 hours on the Monday of the next weekend
- d. From the weekend prior to Bank Holiday weekends until 0200 hours on the Monday of the next weekend
- e. From the weekend before Easter until 0200 hours on the Monday of the following weekend
- f. From 1st June until the end of the Illuminations
- g. From 15th December until 2nd January

2 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.

3 The Licence Holder supports and will continue to rigorously enforce the 'Challenge 21' or similar company proof of age policy:

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

4 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.

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

6 Access of spirits will be restricted to the secure staff area and sale and supply will be by assistant only.

7 An SIA registered door supervisor will be employed at any time the premises are available for the sale of alcohol after midnight.

8 Two additional CCTV cameras will be placed on the outside of the premises facing the shop door.

9 If required for the purposes of the additional cameras, additional lighting shall be placed outside the premises.

Since the review was submitted, significant work including a full refurbishment has been undertaken at the premises which satisfies the concerns the authority had. An officer from the Licensing Authority will provide further information to the panel at the hearing.

As a result of the improvements made, the Licensing authority recommend that the panel deal with the review by adding the following conditions:

1. CCTV will be installed internally and externally at the premises and will comply with the following:

- The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system, with the exception of the toilets. 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.
- The system will display on any recording the correct time and date of the recording.
- The system will make recordings during all hours the premises are open to the public.
- Recording shall be held for a minimum of 28 days after the recording is made and will be made available to an authorised officer upon request.
- The system will record images of the head and shoulders of all persons entering the

premises.

2. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises

3. At least one personal licence holder will be contactable and able to attend the premises within one hour while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.

4. The premises licence holder will personally inspect the premises at least once per calendar month to ensure that systems and procedures are being complied with. This condition will cease to have effect six months after the review decision takes effect.

Does the information submitted include any exempt information? No

List of Appendices:

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Health and Safety

Appendix 4c Representations from Lancashire Constabulary

Appendix 4d Representations from Weights and Measures

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

LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	PL0795

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

LICENSING ACT 2003

<i>Review requested by:</i>	Licensing Authority
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Blackpool will be a Vibrant, Inclusive, Healthy, Safe and Prosperous
Town



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

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.

LS/F/005/12/1

I	Mark Marshall
---	---------------

[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	The Gazette								
	154 Lytham Road								
	Blackpool	Post Code	F	Y	1		6	D	j
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Ahsan Khan									
Premises Licence or Club Premises Certificate Reference Number (if known)									

Part 2 – Applicant details

I am:

Please tick

1) an interested party (please also complete sections 2A or 2B below)	
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) a responsible authority (please also complete 2C below)	√

LS/F/005/12/1

3) a member of a club to which this application relates (also complete section 2A below)	

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

Please tick

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

(2B) Other Applicant or Representing Body

Name								
Address								
					Post Code			
Telephone Number								
E-Mail Address								

(2C) Responsible Authority applicant

Name	Mark Marshall
Address	Progress House
	Clifton Road

LS/F/005/12/1

	Blackpool	Post Code	F	Y	4		4	U	S
Telephone Number	01253 478349								
E-Mail Address	mark.marshall@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	

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

The Premises was most recently visited on the 21st May 2014, serious concerns with the electrical installation were disclosed to the point that the installation was prohibited from use by Health and Safety, a more detailed explanation of these concerns will follow in their own independent representations.

A complete debacle in relation to ownership and control ensued with a series of individuals all pointing at each other in relation to who was liable for legal issues at the premises which resulted in nothing short of complete confusion. A copy of the lease was requested in order to establish legal liability for building safety issues, a lease was produced which was unsigned which listed the lease holder as Francis Jeevaratnam.

Whilst at the premises a male who gave his details reluctantly as Yasindh Vijey 12/6/87 was the only staff member on site, he claimed not to be working but was seen to serve a number of customers who came into the shop.

A short time later a male I know as Nadarajah Rajakuham 20-03-1960 attended the shop; I have previously dealt with this male in January 2014 where he was advised about having written training records in place for staff members who sold alcohol. I asked if he could produce any such training for Mr Vijey but no such document could be produced.

In January 2014 written advice was sent to the licence holder about staff training. See Document 1

Principally the premises suffers from a clear lack of accountability and management this is again demonstrated by the fact that in September 2013 the Premises Licence was suspended for non payment of the annual fee, on the 24th September 2013 after the suspension was effective the premises continued to sell alcohol, an offence contrary to Section 136 of the Licensing Act 2003.

Details of those offences will follow and be submitted before the hearing

Matters of Concern

The DPS- Ashan Khan is the DPS at a number of other premises ,
 Namely;
 113-115 Lytham Road, another premises of concern PL1696
 33 Chapel Street, PL0465.

LS/F/005/12/1

It is clear that the task of being in day to day control of all 3 off licences which are in the high risk saturation areas is beyond him.

The removal of the DPS in these circumstances would be a very light touch response and it is the view of the Licensing Authority that the failings are down to systemic poor company practice which again lies with Mr Khan.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2 before completing)

Document 1.

Date: 16th January 2014

Ashan Khan
154 Lytham Road
Blackpool
FY1 6DJ

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

Dear Sir

Re: PL0795

I write further to my visit on the 8th January 2014 where I visited to check compliance with conditions on your premises licence.

On the 8th January 2014 I requested sight of the training records which were not available.

At the time of my visit which was at 13.00 hours on the 8th January 2014 these matters were raised with Nadarathah Rajokylam.

A mandatory condition on every Premises Licence is that an adequate proof of age policy is in place at all times, we consider this to mean documented staff training, I offered assistance by way of a proof of age training disk but this was refused.

Whilst at the premises sales of alcohol were witnessed and to be in breach of your conditions of licence is an offence under Section 136 of the Licensing Act 2003.

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

Part 4 – Other relevant information

Please tick

LS/F/005/12/1

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

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

Please

tick

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

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

Part 5 – Signatures (please read guidance note 3)

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

Signed	
Print Name	Mark Marshall
Capacity	Licensing and Health and Safety Manager
Date	22 nd May 2014

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)

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. 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 that 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 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	Health and Safety Enforcement			
Name of Officer <i>(please print)</i>	Gareth Shaw			
Contact telephone number	478315			
Date representation made	17	06	2014	
Do you consider mediation appropriate				YES

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

Licensing Authority

Premises Details

Premises Name	The Gazette
Address	154 Lytham Road
	Blackpool
Post Code	FY1 6DJ

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

This authority would like to support this review by detailing findings noted during a visit on the 21st ay 2014;

1) Overflowing drainage to front of premise



2) Cable run under carpets and across walkways.



3) Wiring that requires further investigation.



4) Damaged display lighting.



5) Back removed from air conditioning unit.



6) Damaged flooring area in public areas also note the appalling cleanliness.



7) Wiring that requires further investigation.



8) Appalling cleanliness and maintenance of flooring.



9) Cluttered cellar storage areas compromising access to electrical mains.



10) Refrigeration draining to a bucket in the cellar.



11) Poorly maintained cellar steps with no handrail.



12) Appalling cleanliness.



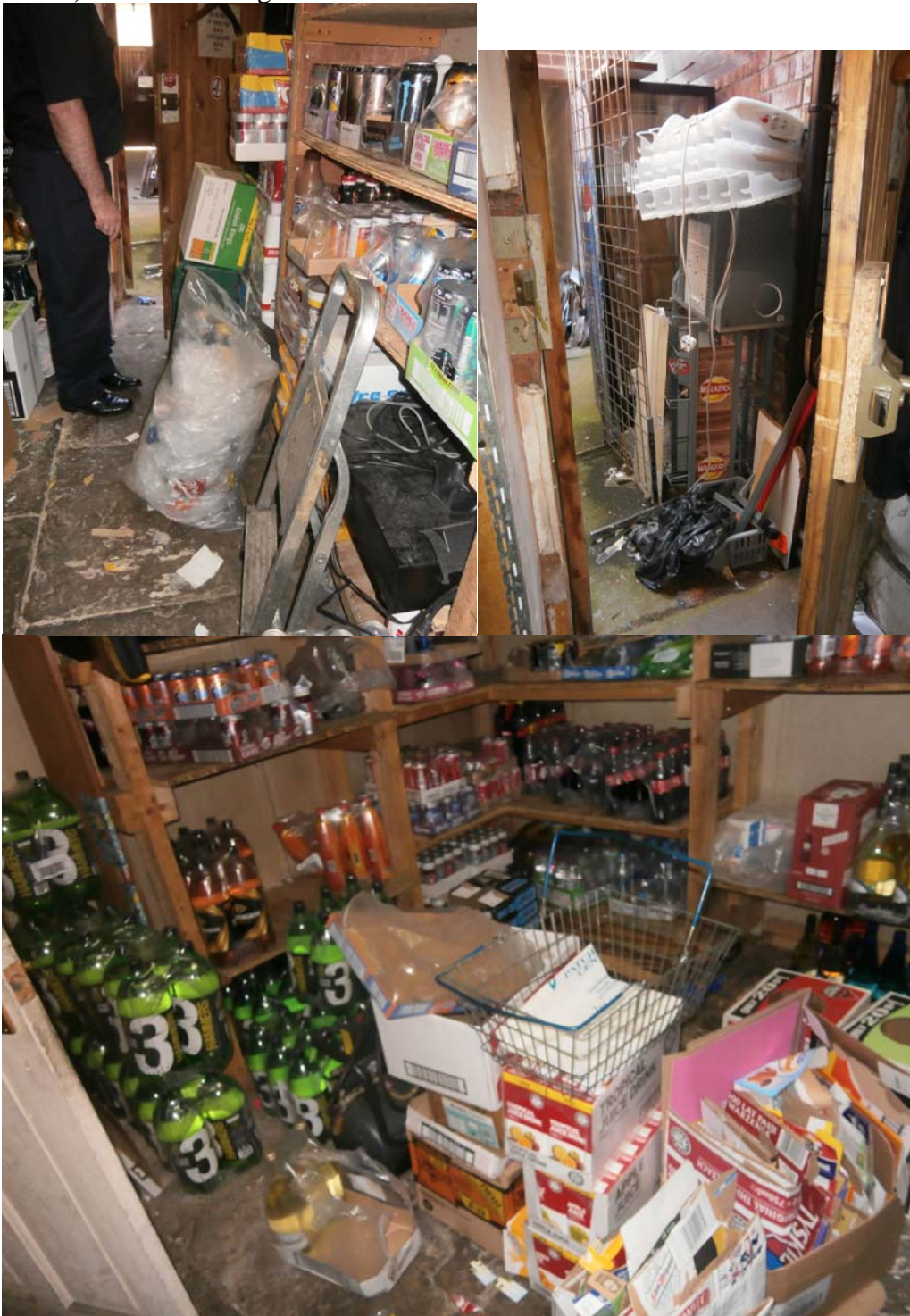
13) Further poorly maintained and dirty floor areas.



14) Poor maintenance and cleanliness of sanitary facility.



15) Cluttered storage areas.



16) Appalling conditions in kitchen area



17) Poorly secured safe.



18) Sandwiches in storage dated 15th May 1014 Use By.



19) Unrepaired leak through ceiling.



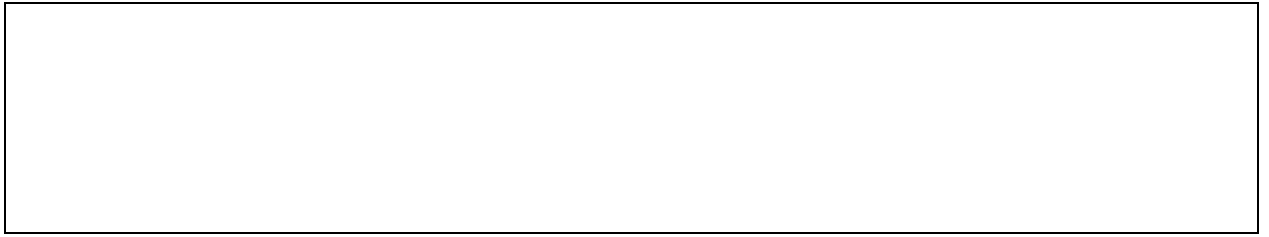
20) Food and stock stored on the floor and also in public traffic routes.



21) Rusted fixings to external signage.



22) Improvement notices were served to secure a) improved flooring, b) safer use of portable equipment, c) cleaner sanitary facilities, d) Safety of gas installations, d) Electrical installations safety and e) cleanliness of the entire workplace.



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 *(please print)* P.C 3842 EVANS

Signature of Officer



Contact telephone number **01253 604005**

Date representation made **17 06 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 **The Gazette**

Address 154 Lytham Road

Blackpool

Post Code FY1 6DJ

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

I am in receipt of a review application submitted by Blackpool Trading Standards for the above premises and on behalf of the Chief Officer of Police wish to make a representation in support of that review.

On Tuesday 10th June 2014 the premises failed a Test Purchasing Operation, whereby a 15 year old male was served a four pack of lager. The DPS Mr RAJAKULAM was not present, nor was any other personal licence holder. The seller Dominic FERNADO informed Officers at the time of the sale that he was not actually employed at the premises but had just popped in whilst the staff member present went to sort out the washing. However at the time both males were still present during the sale.

FERNADO had not conducted any proof of age training. There was no proof of due diligence available to see at the time, and no authorisation of sales document showing who was approved to sell alcohol on behalf of the DPS. There was also no refusals register and a limited amount of posters in store in relation to challenge '25'. Neither of the males present could work the CCTV system and they spoke little English which made the conversation very difficult. FERNADO was issued with a Fixed Penalty notice as he had no I.D on him so could not prove his identity.

The police have serious concerns that there is no management in place and that the Proof of Age training is not being adopted. The Police have limited confidence that the promotion of the Licensing Objectives is being upheld.

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Lisa Evans**

URN

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Age if under 18 **018** (if over 18 insert "over 18"). Occupation **Police Constable**

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

Dated the **14TH** day of **JUNE 2014**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

I am PC 3842 Evans of Lancashire Constabulary, currently attached to the Nightsafe and Licensing Department at Blackpool Central Police Station.

The Nightsafe and Licensing Department enforces licensing legislation contained within the Licensing Act 2003, particularly with regard to the four key licensing objectives:

- a) Prevention of crime and disorder.
- b) Protection of children from harm.
- c) Public safety.
- d) Prevention of public nuisance.

The Licensing Act 2003 regulates licensable activities; this includes public houses, nightclubs and takeaways.

On Tuesday 10th June 2014, I was on uniformed duty as part of an operation for Licensing to Conduct Test Purchasing. Whereby a 15 year old boy was to be a Test Purchaser, he was to enter a pre-determined premises with an alcohol license and attempt to purchase alcohol.

Section 152(4) Subsection (1) of the Licensing Act 2003 allows a person under the age of 18 to attempt to purchase alcohol if they are sent by a constable acting in the course of their duty.

Signature

Page 33
Signature witnessed by

Continuation of Statement / Interview of **Lisa Evans**

At 19:07 the Test Purchaser entered The Gazette, Lytham Road, Blackpool. The test purchaser exited the premises after purchasing a 4 pack of Warka lager priced £4.50.

The Test Purchaser then came back to our position and informed us what he had been served and who the server was I've then entered the premises with P.C 3127 Reynolds and spoken to the member of staff who had sold the alcohol who I now know to be Dominic FERNADO 15.12.1963. Inside the premises with FERNADO was another male called Rajah NADAJAH 20.03.1960. Both males had limited understanding of English.

The circumstances of the sale and a photo of the Test Purchaser was shown to FERNADO who accepted the incident had occurred however he also stated that he did not work at the premises but had only come to relieve his friend so he could go sort out the washing. When asked why he was still serving when NADAJAH was still inside the premises he could not answer.

I asked FERNADO if he knew the understanding of proof of age training to which he did not understand, I then asked if someone under age came in what would he say to them if they asked for alcohol, again he could not answer this. NADAJAH stated that his son had recently taken over the business and was the DPS however he was in London. NADAJAH also gave his address as being in London. Neither of the males had a personnel Licence themselves.

I asked if there was a refusals register or a refusals key on the till which there was not. There was only two signs present in the shop which related to asking for I.D. I also asked if either men could work the CCTV but again neither could work this. The alcohol that the Test Purchaser had chosen was also a foreign brand and had no English present anywhere on the product.

Signature

Page 34 Signature witnessed by

I informed MURTAGH that she had committed an offence of selling alcohol to a person under 18, contrary to S146 (1) & (7) Licensing Act 2003 and cautioned her to which no reply was made.

FERNADO could not provide me with any identification for himself so therefore I had no choice but to issue the seller with a Fixed Penalty Notice rather than a Trading Standards course & caution.

I issued FERNADO with a fixed penalty notice, reference 0048037517770618 and obtained a finger print for our records.

Of note whilst we were inside the premises dealing with the incident we had asked for the shop to be closed so that we could deal with them without disturbance. We were inside for around 30 minutes and during this time several customers had come to the shop wanting to enter to get alcohol, they were told it would be a while before it re-opened, the customers stayed outside the shop until we had finished. These customers when we left did make reference to how long it had taken and that they wanted to buy alcohol to which I said there were other places nearby which sold alcohol and the response I got back was "THEY DON'T DO AS GOOD AS DEAL AS THIS PLACE", I am unsure what they meant by this.

I had no further dealings.

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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	Blackpool Council – Weights & Measures		
Name of Officer <i>(please print)</i>	Lois Peers		
Signature of Officer			
Contact telephone number	01253 478389		
Date representation made	19	06	14
Do you consider mediation to be appropriate	<input type="checkbox"/>	YES	NO <input type="checkbox"/>

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

Lois Peers

Premises Details

Premises Name	The Gazette
Address	154 Lytham Road
	Blackpool
Post Code	

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

Trading Standards support the review on the basis of the following;

On the 10th June 2014 a test purchase operation was conducted and the above premises was visited as part of the operation. A 15 year old male volunteer was sent into the premises at 154 Lytham Road, Blackpool and was sold 4 cans of "Warka" Lager for £4.50. The seller was identified as Dominic Fernando. There were no training records available for Dominic Fernando on the evening.

On the evening 12 alcohol test purchase visits were carried out by this volunteer and this was the only premises to sell alcohol to him.

Our concerns are that there is a complete lack of training for the seller on the evening and therefore the owner/premises licence holder can not show at present that he has done all he can to prevent a sale of alcohol to children.

The items that were purchased on the evening we also noted to be possibly incorrectly labelled (not in

English) therefore this has also been referred to the Food Control team within the council.