

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

--	--	--	--

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

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

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.

Signature

Signature witnessed by