

Representation Form – School Lane Convenience store/Super Saver

I Chris Ward - Licensing Manager, On behalf of;

**Licensing Authority
South Ribble Borough Council,
The Civic Centre West Paddock
Leyland
PR251DH**

Wish to submit the following representation in support the review application made by Lancashire Constabulary for the premise licence;

**School Lane Super Saver
42 School Lane
Bamber Bridge
PR5 6QD**

PREMA0250

On the grounds that in my opinion, this premises has undermined the following licensing objectives.

- **The prevention of crime and disorder**
- **The protection of children from harm**

The premises licenced for “OFF Sales “of alcohol.

The DPS and Licence Holder at the premises is Mr Nuwan S G Bamunu - Mudiyansele

Failed - Test Purchase Exercise – Underage sale of a Knife - 19/05/2023.

This premises was first brought to my attention following a test purchase exercise carried out on 19/05/2023 by Trading Standards officers, as part of “operation sceptre”, an anti-knife crime initiative across Lancashire.

On 24th May 2023, PC Stephen Connelly of the Police Licensing Team informed me, that as part of the test purchase exercise conducted at this premises, a member of staff had sold a knife to a 13-year-old child (test purchaser).

The sale of the Knife to a minor is a criminal offence under Section 141a of the Criminal Justice Act 1988.

There is a risk of serious physical harm to children who are sold bladed articles and to other people, as well as the risk of wider social harms associated with the circulation of weapons among children.

A child purchasing a knife is also at risk of prosecution for possession of a knife.

Although this is not a direct offence under the licensing act 2003, the sale of a bladed article to a 13-year-old, in my opinion gives clear evidence this premises is selling age related products to minors, and as such ties in with the Licensing objective – “The Prevention of children from harm”.

Policies such as asking anyone who looks under 25 for proof of identity are in place to protect the local community, this premises has not complied with the law relating to underage products, as such are not “protecting children from harm” as the licensing objective is named.

Failed - Test Purchase Exercise – Underage Sale of alcohol - 02/06/2023

On 2nd June 2023, I was invited to attend a joint alcohol test purchase exercise between Police Licensing, Trading standards.

As part of the exercise we attended School Lane and two children aged 16 and 17 years old attempted to buy alcohol from the premises.

From all the premises I visited during the exercise, 5 in total, this was the only premises to fail the test purchase exercise in South Ribble and sold alcohol to a child. This being an offence under s146 Licensing Act 2003.

A particularly concerning factor is that, following the sale of the knife to the 13 year old child on 19/05/2023, trading standards officers had reported they immediately revisited the premises to offer guidance on challenge 25 and age-related products to the member of staff who sold the knife to the 13-year-old child.

This guidance had clearly not been adhered to or simply ignored by the member of staff on duty when he sold alcohol to the test purchase volunteers on 02/06/2023.

Immediately following the underage sale, I entered the premises with PC Stephen Connelly and trading standards officers.

The member of staff on duty that day, Mr [REDACTED] was then subsequently cautioned By PC Connelly and asked various question in regard to the premises licence in particular around the licence conditions.

PC Connelly asked Mr [REDACTED] about the training he received from the owner,

Mr [REDACTED] replied, “alcohol, cigarettes, knives”.

PC Connelly then asked “How often do you get trained “?

Mr [REDACTED] stumbled and stated, “every 2 months, no 3 months”. He didn’t seem sure.

PC Connelly asked for proof of this, Mr [REDACTED] stated he has the training with him.

PC Connelly then asked the member of staff to demonstrate the CCTV system was working.

Mr [REDACTED] was unable to operate the CCTV system and advised only the owner had the code to use it.

PC Connelly then asked to see the refusal logs for the premises.

The member of staff stumbled his speech a little and seemed confused which PC Connelly's request, he didn't seem quite sure what was being asked of him and then answered that this was also with the owner.

Premises revisit to check for compliance - 07/06/2023

On 07th June 2023 I revisited the premises with PC Connelly, the same member of staff was working at the premises again (Mr ████████).

PC Connelly asked if he had been given access to the CCTV system, to produce the refusal logs and proof of staff training records.

Again, nothing was able to be provided, the member of staff claimed he would just ring another member of staff he needed access to the CCTV footage.

Again, the refusal register wasn't available, when asked if he had a refusal register Mr ████████ answered "no" and he could not provide proof he has been trained and stated this was with the owner.

PC Connelly asked Mr ████████ had he spoken to the owner and made him aware, for the requirement of the refusal register and training records needed. Mr ████████ confirmed he had spoken to the owner and made him aware.

Visit to Moss Lane Convenience Store – 07/06/2023

Following the visit to School Lane, Myself and PC Connelly attended Moss Lane Convenience Store, Leyland, a second premises in the area that Mr Bamunu - Mudiyansele was the licence holder for.

PC Connelly asked to speak with Mr Bamunu - Mudiyansele, he was handed the staff members mobile phone.

Mr Bamunu - Mudiyansele identified himself to PC Connelly on the call, who had the phone on loudspeaker.

PC Connelly asked Mr Bamunu - Mudiyansele questions regarding the refusal register, staff training logs and CCTV at School Lane.

Mr Bamunu - Mudiyansele stated to PC Connelly that all the documents he required were at the School Lane shop. He stated that his members of staff had called him to advise they had found them.

PC Connelly stated to Mr Bamunu - Mudiyansele that his staff had clearly not been trained.

Premises revisit to check for compliance - 07/06/2023

Following the phone call with Mr Bamunu - Mudiyansele, Myself and PC Connelly decided to head back to Bamber Bridge to the school lane Premises, to check the documents that Mr Bamunu - Mudiyansele had stated that his employees had now found after speaking to them.

We entered the premises and was greeted by Mr [REDACTED] again, behind the counter.

He was again asked by PC Connelly for proof of refusals at the premises and his staff training records. As the owner had stated they were now available at the premises, on the previous call to PC Connelly.

PC Connelly then joined Mr [REDACTED] behind the counter, they both searched through records behind the counter, but no refusal register or staff training records were found.

Mr [REDACTED] still didn't seem to understand what a refusal register was nor what he was actually looking for.

He was providing various pieces of paperwork to PC Connelly. He seemed extremely flustered and confused about what was going on.

This was extremely frustrating, Mr Bamunu - Mudiyansele had advised the documents had been found and were available at the shop, it was clear excuses and were being given and myself and PC Connelly felt we were being given the run around by Mr Bamunu - Mudiyansele.

PC Connelly asked to speak with the licence holder once again. Whilst Mr [REDACTED] was getting Mr Bamunu - Mudiyansele on the phone, I noticed a folder on top of the tall cigarette cabinet behind the counter. It was dusty and seem to have been there for some time.

PC Connelly obtained the folder and began to go through it with Mr [REDACTED]. He confirmed This was the staff training records for the premises, but the records had not been updated since March 2022.

At this point the licence holder, Mr Bamunu - Mudiyansele was back on the phone.

Mr Bamunu - Mudiyansele advised that he was sending another member of staff to locate the refusal register.

When the new member of staff arrived, he located the refusal register, shockingly the last entry in the register was April 2022, with the majority of entries for elf bars and lighters.

Police and Trading standards Visit – 19/06/2023

On 19/06/2023, PC Connelly contacted me to advise he had visited the premises again with Trading standards officers, he reported the following;

- No New staff training records in place
- Only 3 refusal logs between 07/06/2023 to 19/06/2023
- CCTV system was not compliant with the licence and could only record for 12 days
- CCTV was not continuously recording and only worked by activating motion sensors.

Non-Compliance of the licence

In addition to the two-age related product being sold to minors, with relation to the premises licence the following conditions were in clear breach at this premises,

- *The premises will have a CCTV system installed, operated, and maintained to the*

satisfaction of the Lancashire Constabulary.

- *The CCTV system will be subject to a maintenance contract and serviced every 12 months.*
- *There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the CCTV system, and these will be provided to any responsible authority on reasonable request.*
- *The system must be capable of downloading/copying stored CCTV footage to another medium in its native format i.e. an external hard drive that can be played back via a windows-based computer.*
- *The premises will operate a refusal register which will be maintained on the premises and made available for inspection by any responsible authority on reasonable request.*
- *The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority. This policy shall state that any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard Driving Licence or Passport.*
- *All staff will receive regular training with regards to age related sales (every 6 months).*
- *All staff training will be recorded and will be made available for inspection by any responsible authority on reasonable request.*

Conclusion

From the visits I have conducted, this premises is in clear breach of multiple conditions attached to the premises licence, specifically relating to;

- No age verification policy in place
- refusal logs not in use at the premises
- staff not being trained in relation underage products and use of the CCTV system.

This clear non-compliance of the premises licence conditions, is no coincidence, that on two separate occasions age related products have been sold to minors from this premises.

It is worth noting that this premises should not be performing licensable activities until they are compliant with the conditions attached within the licence, in place to mitigate underage sales taking place. This is the responsibility of Mr Bamunu – Mudiyansele.

Mr Bamunu - Mudiyansele as the DPS and licence holder should be aware of the conditions attached to his licence.

Although it is one of his members of staff who have sold the age-related products, Mr Bamunu - Mudiyansele is the responsible person for the licence and the day to day management of the premises. He should make sure his staff are adequately trained with regards to age related products, The Licensing Act 2003, and requirements of the licence.

Excuses given to officers that the documents with the licence holder is not good enough, and not mitigation for them not being available for inspection by officers.

PC Connelly has contacted the licence holder via phone whilst I have been in attendance at the premises. The level of seriousness has been stressed to him that the management of the premises is not good enough.

He was told in clear words that if things do not change quickly and conditions adhered to quickly, considering that his staff had just sold a knife and alcohol to children, the licence would be reviewed.

I believe given the seriousness of the issues at this premises, I would have expected him to act promptly to bring the premises up to standards. But this clearly has not been the case, indicating poor control and management of this premises.

No efforts were made by Mr Bamunu – Mudiyansele to visit the premises, on any of my visits, I believe he has no control of this premises, his staff are not capable of running the premises in his absence.