

REPORT TO	DATE OF MEETING
LICENSING PANEL	23 SEPTEMBER 2008

Report template revised February 2007



SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – J S FOOD AND WINE, 41 MOSS LANE, LEYLAND, PR25 4XA	LEISURE & CULTURAL SERVICES	KAY GRAY	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at J S Food and Wine, 41 Moss Lane, Leyland PR25 4XA.

The Police state that over several months the Police collected evidence to support a claim that there has been the sale of alcohol to underage persons. This was supported by community intelligence.

Lancashire Constabulary feel that there are fundamental failings in relation to Ms Santhakumary Valasingam ability to manage these premises which are licensed to sell alcohol. The situation is not helped by the fact that the area where the premises is located suffer from numerous problems including damage believed to have been caused predominantly by drunken juveniles

Lancashire Constabulary therefore consider that the continued operation of these premises undermines the licensing objectives

RECOMMENDATIONS

That the sub-committee conduct the hearing in accordance with the hearing procedure and decide accordingly.

DETAILS AND REASONING

Attached is a copy of the Application form detailing the reasons for concern. In addition the Police have provided witness statements and exhibits from Niky Barret, Licensing Enforcement Officer, who worked on a joint working exercise for test purchasing operations.

The Committee will see that the premises licence was transferred to Ms Valasingam in approximately April 2008. Within approximately 3 months the premises had failed two out of three test purchases and intelligence had been received regarding other underage sales. The test purchases were undertaken as follows:

17 May 2008 – failed – fixed penalty notice and advice given regarding underage sales.

21 June 2008 – passed

8 August 2008 – failed

Photographs of the actual child volunteers used will be provided to the Committee at the hearing in order to protect their identity.

The Police do not have confidence in Ms Valasingam's ability to operate a premises selling alcohol and they are minded that the area where the store is situated suffers from incidents of disorder and criminal damage, many of which involve young people who are under the influence of alcohol.

Further concerns were raised as a result of the test purchase operation on 8th August 2008 as it would appear that the person who made the sale had provided false details. When the Police made further enquiries regarding the gentleman's identity the DPS nor her partner were able to provide any assistance and it is stated that the DPS seemed oblivious to what was happening and was unable to answer any questions about the premises.

The failures outlined seriously impact on the licensing objectives. The Police therefore ask the Committee to consider revoking the licence.

Representations from Responsible Authorities

No representations have been received from Responsible Authorities other than one stating they do not wish to make any comment.

Representations from Interested Parties

Representations have been received from interested parties which reflect the concerns of the Police and highlight issues surrounding underage sales, criminal damage and public nuisance.

Legislation

Under Section 52 Licensing Act 2003 the Authority must have regard to the application and any relevant representations and take such steps ...(as are outlined below)... if any, as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- a. to modify the conditions on the licence
- b. to exclude a licensable activity from the scope of the licence
- c. to remove the designated premises supervisor
- d. to suspend the licence for a period not exceeding 3 months
- e. to revoke the licence.

Obviously the Committee can also choose to do nothing for example if the application is frivolous, vexatious or repetitive and the Committee must ensure that any action they take is proportionate to the four licensing objectives.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no financial implications for the authority.
LEGAL	Any party at the hearing has the right of appeal to the Magistrates Court.
RISK	This application must be determined in line with legal guidelines.

<i>OTHER (see below)</i>	There are no other risks associated with this proposal
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

BACKGROUND DOCUMENTS

Hearing Procedure
 Application Form & additional information supporting the Application.