

## CENTRAL BEDFORDSHIRE COUNCIL

### Record of Licensing Sub Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Friday, 16 December 2011

#### Licensing Sub Committee Composition

Cllrs D Bowater (Chairman) Mrs D B Green  
I A MacKilligan

#### Members' Interests

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

#### Name of Applicant

Central Bedfordshire Trading Standards

#### Premises Address

Costcutter Premier Caddington Store  
5 Manor Road  
Caddington  
Beds LU1 4EE

#### Name of Parties (including the Applicant, Observers and Persons who have made relevant representations together with any person representing each party)

Cllr D Bowater	-	Central Bedfordshire Councillor
Cllr Mrs D Green	-	Central Bedfordshire Councillor
Cllr I MacKilligan	-	Central Bedfordshire Councillor
Mr M Woolsey	-	Managing Solicitor
Mrs M Clampitt	-	Committee Services Officer
Mr D McBain	-	Licensing Enforcement Officer
Mr T Argent	-	Trading Standards Officer
Mr A Latif	-	Premises Licence Holder
Counsel Mr S Hillyard	-	Counsel for the Premises Licence Holder
Council Mr C Harrington	-	Solicitor for the Premises Licence Holder

### **Names of Parties submitting representations and indications of their representations**

Mr T Argent – objecting to the retention of the premises licence for the sale of alcohol.

### **Procedures for Hearings of Applications for Authorisations under the Licensing Act 2005 by the Licensing Sub Committee**

The Procedures for hearing the applications for Authorisations under the Licensing Act 2005 by the Licensing Sub Committee was noted.

### **Amendment of Application (if any) requested by the Applicant**

There were no amendments to the application by the applicant.

### **The Application**

The Application was for the review of a premises licence for Costcutter Premier Caddington Store, 5 Manor Road, Caddington, LU1 4EE.

### **The Four Licensing Objectives**

The Chairman drew attention to the four licensing objectives which were set out in the report circulated with the Agenda.

### **Licensing Act 2003 - A hearing called to determine an application for a review of a premises licence for Costcutter Premier Caddington Store, 5 Manor Road, Caddington LU1 4EE**

The Sub-Committee received and considered an application submitted by Central Bedfordshire Council Trading Standards for the review of a Premises Licence for Costcutter Premier Caddington Store, 5 Manor Road, Caddington LU1 4EE. The Applicant and the Premises Licence Holder both attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing Enforcement Officer to present the report to the Sub-Committee. The Sub-Committee were advised that the applicant had submitted an application for the review of a premises licence under the Licensing Act 2003. A copy of the application was attached to the report. The applicant had recommended the permanent revocation of the licence to sell alcohol.

The Chairman invited the Applicant to present its case to the Sub-Committee. Mr Argent, on behalf of the Applicant, presented the case to support the above recommendation; to prevent further underage sales at Costcutter Premier Caddington Store. Mr Argent set out the occasions when recent test purchases had taken place at the store, and provided information as to when the store had been provided with information and assistance with a view to ensuring further underage sales did not take place. Mr Argent provided the Committee with a history of the issues at the store which showed that there had been 8 guidance visits to the store between 2003 and 2011 and the recent operation meant that there had been 13 visits to the store.

Mr Argent also drew the Committees attention to the fact that there were discrepancies over the ownership of the store, namely whether it was in the sole ownership of Mr Latif or in joint ownership between Mr Latif and his two brothers.

The attention of the Sub-Committee was drawn to the fact that there had been 3 occasions of alcohol sales to children and 6 occasions of cigarette sales to children. It was further brought to the Sub-Committees attention that all of the alcohol sold was classed as high strength (ranging between 13.5% and 37.5%) and in large volume (70cl to 1ltr).

On behalf of the Applicant, Mr Argent made clear to the Committee that the Applicant consider a revocation of the licence more appropriate than conditions due to the recent failed test purchases and the poor history of the store to comply with advice and assistance given.

The Chairman invited the Premises Licence Holder and his legal representatives to present their case. Counsel for the Premises Licence holder asked Mr Latif a series of questions to provide the Premises Licence Holder's case to the Sub-Committee. Through these questions the case presented by the Premises Licence Holder set out that Mr Latif was a long standing Licensee who had a great deal of experience in dealing with licensing matters, it was stated that he fully understood his responsibilities in that regard. The Premises Licence Holder set out brief history of the renovations undertaken to the premises and how the works had impacted on the shop's thoroughness when checking for age identification. The changes to the shop meant that there was now a computer system in place to remind staff to check age of persons buying alcohol, a re-training of all staff and there was signage on the main door and the till to outline the 'think 25' policy.

The Premises Licence Holder also set out that the ownership of the shop with 3 partners had become confusing and so this had been changed to a limited company with a sole director, the Premises Licence holder, on the 14 July 2011.

It was fully admitted that the incidents had occurred as stated within the report and now with the new procedures in place the incidents had stopped occurring. The lack of a refusal book being available when requested was put down to the disruption caused by the store refurbishment.

The Sub-Committee was informed that on 15 September 2011 a 're-test' of the premises took place, and cigarettes and alcohol were sold to underage individuals. However, on the 28 September 2011 a further 're-test' took place and the individual was refused the sale of alcohol due to their age. The Applicant believes that the individual had been recognised from previous test purchases as they were told "if they were showing the same id don't bother". The new system produced a green/red button option for the sale of alcohol, which required a confirmation that the person was of age.

The Sub-Committee asked the Premises Licence Holder and his Solicitor questions. The questions included Mr Latif confirming that he was aware of his obligations as Premises Licence Holder.

The Solicitor offered, on behalf of Mr Latif, the option of putting another person in place as the Premises Licence Holder. The person in question was a Mr A Hasmed, who was already a licence holder. In addition, the store was in the process of being sold. Mr Latif would be retiring from the Post Office and would no longer be working in the store. Sale was unlikely if the store did not have a licence.

The Chairman invited the Applicant and the Premises Licence Holder to ask any questions of each other. Mr Argent asked when and how long the training of staff took. Mr Latif confirmed that the training had been at 8.00pm for 1 hour following his return from the training course.

The Chairman invited the Applicant and the Premises Licence Holder to sum up their cases.

The Sub-Committee adjourned to deliberate upon the application. The Managing Solicitor for Central Bedfordshire Council joined the panel to provide clarification of questions.

## **Decision**

That having taken into account the Licensing Act 2003 Guidance issued under Section 182, Central Bedfordshire Council's Licensing Policy and representations from the Applicant and parties, the application of objection by Central Bedfordshire Trading Standards be upheld and the premises licence for Costcutter Premier Caddington Store be revoked with immediate effect.

The Sub-Committee agreed the following finding of facts:-

- Contradictory statements were made as to the ownership and responsibilities. During the period of the offences Mr Latif was the sole owner but Trading Standards Officers were told that the store was in joint ownership with his brothers.
- Mr Latif, by his own admissions, was an experienced Licensee and therefore should know that licensing conditions must be upheld at all times, including during refurbishment. Furthermore, Mr Latif was fully responsible for this.

- Mr Latif ignored the Central Bedfordshire Trading Standards information pack 3 times but presented a recent Luton pack as evidence of training, which seemed to deal with exactly the same issues.
- The Sub-Committee was not convinced that sufficient quality training had been or was being given to employees.
- 12 warning visits were made by Trading Standards and 11 were ignored.

In coming to its decision, the Sub-Committee had taken into account the following:-

- The Licensing Act 2003 Guidance issued under Section 182 of the Act;
- The Secretary of State's Guidance issued under Section 182 of the Act;
- Central Bedfordshire Council's Licensing Policy; and
- The merits of the application and the representations (including supporting information) presented by all parties.

### **Right of Appeal**

Following the revocation of a premises licence, the former licence holder was informed of his right of appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

(Note: The meeting commenced at 10.20 a.m. and concluded at 11.40 a.m.)