

DECISION NOTICE

Southern Area Licensing Sub Committee

Decision made on 11 March 2015

In respect of an application for a Review of the Premises Licence made by Trading Standards for The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire, SP1 1HL

Decision:

Having considered all of the evidence presented to it, both at the hearing and in the agenda papers, the Southern Area Licensing Sub Committee has determined that, in order to promote the licensing objectives, particularly those relating to the prevention of crime and disorder and the protection of children, it would be appropriate to take the following steps in relation to the premises licence for the Polish Shop, 62 Winchester Street, Salisbury:-

1. to suspend the premises licence for three months, in order to allow time for Trading Standards and the Licensing Authority to be satisfied that all Licensing Objectives and conditions on the premises licence are being met.
2. to add the following conditions to the premises licence:-
 - Only products available for retail sale can be stored at the licensed premises.
 - Only Employees of the business who have been formally trained on age restricted sales may serve behind the counter
 - Only Staff who have undertaken appropriate training (as agreed with the Licensing Authority) to be present at the premises during trading hours
 - Staff to undertake appropriate training (as agreed with the Licensing Authority) in all aspects of relevant Licensing legislation, law and practice in relation to age restricted sales. This training will be recorded and refreshed on a regular basis

and must be available upon request by Police, Trading Standards or Licensing officers

- The premises to maintain a record to include successful challenges to proof of age and this record to be available upon request by Police, Trading Standards or Licensing officers

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act (in particular paragraphs 11.24 – 11.28) and the Licensing Policy of Wiltshire Council.

Reasons

The Sub Committee accepted the evidence presented by Trading Standards that illegal tobacco had been kept on the premises and that, on at least one occasion, there had been a sale of alcohol to a child under the age of 18. They noted that the licence holder had been notified in advance that Trading Standards would be making test purchases on age-restricted products, but that nevertheless the unlawful sale took place shortly thereafter.

The Sub Committee were concerned that the sale of alcohol was being undertaken by inexperienced and untrained staff who had been left in charge of the premises.

The Sub Committee took particular account of paragraphs 11.24 – 11.28 of the S.182 Guidance. They noted that the guidance stated that, where premises were being used to further crimes, revocation should be seriously considered, even in the first instance. The sale and storage of smuggled tobacco was one of the criminal activities that was specifically mentioned in the Guidance as being something that should be treated particularly seriously.

However, the Sub Committee also took account of the comments from the premises licence holder that things had changed in the shop since these events and that more experienced staff were now employed.

On balance, although the Sub Committee had seriously considered revocation of the licence, it was felt that the licensing objectives could be met by the imposition of the additional conditions proposed, together with a suspension of the premises licence for three months. This should allow time for the licence holder to address the failings that had been identified and for the relevant authorities to satisfy themselves that the situation had improved and that the licensing objectives and the licence conditions were being met.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.