

# Statutory Licensing Sub-Committee

Minutes - 30 June 2022

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)  
Cllr Rashpal Kaur  
Cllr Wendy Dalton

### Applicant for Review

Nicola Biddle	Trading Standards
Dianne Slack	Trading Standards

### Premises Licence Holder

Mr Amandip Singh Ajimal

### Responsible Authorities

Amitabh Singh	Licensing Authority
Aimee Taylor	West Midlands Police
Alison Oldfield	West Midlands Police
Michelle Smith	Public Health

### Employees

Debra Craner	Section Leader Licensing
David Abel	Senior Solicitor
Donna Cope	Democratic Service Officer

*Item No.*    *Title*

**1            Apologies for absence**

There were no apologies for absence.

**2            Declarations of interest**

There were no declarations of interest.

**3            Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Threshers Wine Shop, 1E Clark Road, Wolverhampton, WV3 9NW**

An application for a Review of a Premises Licence in respect of Threshers Wine Shop, 1E Clark Road, Wolverhampton, WV3 9NW had been received from Trading Standards.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Nicola Biddle, Senior Officer for Trading Standards (Applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Nicola Biddle, Senior Officer for Trading Standards, did so as per Appendix 3 of the report. She stated that in order to promote the Licensing Objectives, the following eight conditions should be added to the premises licence and in order for the proposed conditions to be implemented, the licence should be suspended for a short period of time:

1. All persons selling alcohol must be properly trained before they were allowed to sell any alcohol to the public. Records of training must be kept by the Designated Premises Supervisor or Premises Licence Holder. Persons selling alcohol must be authorised in writing by the Designated Premises Supervisor following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.

3. A 'Challenge 25' policy and 'No ID NO Sale' policy, which was supported with signage at all entrances and in the serving areas, must be implemented.
4. Only documents which included a photograph of the purchaser should be used to prove that persons age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate, Card or Citizens card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale was made, the reason for the refusal and the member of staff refusing the sale. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Log on a regular basis and sign it to show it had been done. The Log must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
6. A till prompt or a notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.
7. CCTV must be installed, and recordings kept at the Licensed Premises for a period of 30 days, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an Officer of a Responsible Authority.
8. Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units or 1 litre. Multipacks must not be split.

David Abel, Senior Solicitor, advised the Sub-Committee that the proposed conditions from Trading Standards should be circulated to all parties and the hearing adjourned to allow sufficient time for them to be considered.

The Sub-Committee adjourned at 10.20 hours.

The Hearing reconvened at 10.45 hours.

Nicola Biddle, Senior Officer, explained that the Premises Licence Holder had agreed to seven out of the eight proposed conditions but that he had concerns over the condition prohibiting the sale of single bottles/ cans.

David Abel, Senior Solicitor, advised the Sub-Committee to continue with the hearing and follow the set procedure.

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. No questions were asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Amandip Singh Ajimal stated the following:

- There was no restriction upon his licence preventing single unit sales of alcohol.
- He had taken on and trained extra staff and had suspended the person who had made the underage sale. He was ashamed by the mistake made by his staff as it reflected badly on his standing in the community.
- He had not received the letter from Trading standards and was dealing with the fact that his mother sadly only had a few months to live at that time.
- He had four refusals books at the premises all of which were up to date.

- The premises licence was actually in a storeroom at the back of the shop but a Summary of the licence was on display at the Premises.
- He was happy with the conditions proposed except for the restriction on selling single units of alcohol which he felt would hurt his business financially and be unfair to other customers. He also felt that such a restriction would encourage residents from a nearby hostel to have to buy four packs of alcohol and therefore drink more.
- He felt that a suspension of the licence was unnecessary as most of the conditions already existed.

The Chair afforded all parties present the opportunity to question Mr Amandip Singh Ajimal in relation to his submission. Mr Amandip Singh Ajimal responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader Licensing, did so as per Appendix 4 of the report. He stated that he supported the proposed conditions and agreed with a temporary licence suspension.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. The Section Leader responded to questions asked.

The Chair invited the West Midlands Police to make representations. Alison Oldfield did so as per Appendix 5 of the report. She stated that West Midlands Police supported the proposed conditions and Trading Standard's submission for the premises licence to be suspended.

The Chair invited all parties present to question the West Midlands Police in relation to its submission. Alison Oldfield responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith did so as per Appendix 6 of the report. She stated that Public Health fully supported Trading Standard's submission and the proposed conditions.

The Chair invited all parties present to question Public Health in relation to its submission. Michelle Smith responded to questions asked.

The Chair invited all parties present to make their final address.

Alison Oldfield and Nicola Biddle made a final statement.

David Abel, Senior Solicitor, provided legal guidance to Members and reminded them of the available options.

Councillor Page, Councillor Dalton, Councillor Kaur, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.23 hours.

The Hearing reconvened at 12.23 hours.

Councillor Page, Councillor Dalton, Councillor Kaur, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An application had been made by The City of Wolverhampton Trading Standards Department as a Responsible Authority on 26 April 2022 for a review of the Premises Licence in respect of Threshers Wine Shop (also known as Premier Convenience Store and as Tettenhall Supermarket), 1E Clark Road, Tettenhall, Wolverhampton WV3 9NW, on the grounds that actions at the premises undermined the Licensing Objectives.

Representations had been received from the Licensing Authority, West Midlands Police and Public Health as Responsible Authorities. The Committee had also heard from the Premises Licence Holder Mr Amandip Singh Ajimal.

At the hearing on 30 June 2022 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing. They considered all the evidence presented and found the following facts:

The Licensing Sub-Committee heard from Nicola Biddle for Trading Standards, the applicant for review, that:

- On 15 December 2020 during a Challenge 25 survey, a young looking 22 year old adult attempted to purchase alcohol from Threshers Wine Shop to establish if I.D. was being checked when customers were buying age restricted products such as alcohol. On this occasion the volunteer was not asked his age, to lower the mask he was wearing, or to show any I.D. He was able to buy a single can of high strength alcohol, namely Dragon Stout.
- On 24 January 2020 information was received alleging that single cans of alcohol were being sold from Threshers Wine Shop.
- On 1 February 2021 Trading Standards wrote to the Premises Licence Holder and the Designated Premises Supervisor at Threshers Wine Shop advising of the outcome of the Challenge 25 survey and how to comply with the law regarding the sale of age restricted products.
- On 2 November 2021 a single can of Stella lager was sold to a 16 year old volunteer on behalf of Wolverhampton Council. No attempt was made to ask her age, to ask for I.D. or to ask the volunteer to lower her face mask. It is a Mandatory Condition of the Licence that the business operates an age verification policy. This volunteer was refused age-restricted products at 4 other shops that evening.
- The sale was made by a sales assistant at the Premises, and Officers from Trading Standards and West Midlands Police went into the shop and discussed what had happened with the Sales Assistant. Whilst there they noted that there was no Premises Licence there for inspection contrary to

legal requirements and there was also no refusals book available to inspect in breach of the Licence Conditions.

- Trading Standards believed that the Licensing Objectives of the Prevention of Crime and Disorder and The Protection of Children from Harm have been undermined by the way in which the Premises operated and therefore the Premises Licence should have the licence conditions modified and the licence suspended for a short time in order to implement the proposed conditions.
- Trading Standards suggested that further conditions be added to the Licence and the Committee adjourned whilst these were discussed with the Premises Licence Holder

The Licensing Sub-Committee heard from Amitabh Sigh for the Licensing Authority that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives and therefore that the Premises Licence should be modified and suspended. The Licensing Authority supported the conditions proposed by Trading Standards.

The Licensing Sub-Committee heard from Alison Oldfield for West Midlands Police that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm and therefore that the Premises Licence should be modified and suspended. West Midlands Police supported the conditions proposed by Trading Standards.

The Licensing Sub-Committee heard from Michelle Smith for Public Health at Wolverhampton Council that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives and therefore that the Premises Licence should be modified and suspended. Public Health supported the conditions proposed by Trading Standards. They were of the view that the sale of single units exacerbated alcohol dependency and social problems, and they therefore opposed such sales.

The Licensing Sub-Committee heard from the Premises Licence Holder Mr Amandip Singh Ajimal that:

- There was no restriction upon his licence preventing single unit sales of alcohol and he presented a training log to the Committee showing that training took place every two months.
- He had taken on and trained extra staff and had suspended the person who had made the underage sale. He was ashamed by the mistake made by his staff as it reflected badly on his standing in the community.
- He had not received the letter from Trading standards and was dealing with the fact that his mother sadly only had a few months to live at that time.
- He had four refusals books at the premises all of which were up to date.
- The premises licence was actually in a storeroom at the back of the shop but a Summary of the licence was on display at the Premises.
- He was happy with the conditions proposed except for the restriction on selling single units of alcohol which he felt would hurt his business financially and be unfair to other customers. He felt that such a restriction would

encourage residents from a nearby hostel to have to buy four packs of alcohol and therefore drink more.

- He felt that a suspension of the licence was unnecessary as most of the conditions were already adhered to.
- He explained that till prompts were active for any sales of alcohol.

The options open to the Sub-Committee were as follows:

- modify the conditions
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for up to 3 months
- revoke the licence

The Sub-Committee considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee had on the balance of probabilities, found that in order to promote the licensing objectives the premises licence of Threshers Wine Shop should be Modified as follows:

1. All persons selling alcohol must be properly trained before they are allowed to sell any alcohol to the public. Records of training must be kept by the Designated Premises Supervisor or Premises Licence Holder. Persons selling alcohol must be authorised in writing by the Designated Premises Supervisor following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
3. A 'Challenge 25' policy and 'No ID NO Sale' policy, which is supported with signage at all entrances and in the serving areas, must be implemented.
4. Only documents which include a photograph of the purchaser should be used to prove that person's age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate, Card or Citizens card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Log on a regular basis and sign it to show it has been done. The Log must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
6. A till prompt or a notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.

7. CCTV must be installed, and recordings kept at the Licensed Premises for a period of 30 days, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
8. Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units or 1 litre. Multipacks must not be split.

The Licensing Sub-Committee felt that it was not necessary to impose a period of suspension on the premises as the conditions sought already existed or could quickly be put into effect.

These actions were considered appropriate and proportionate actions for the promotion of the four licensing objectives.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal could be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of the decision.