

## **RIZWAN NEWS APPEAL**

**Submitted by:**        **Head of Central Services**

**Portfolio:**            **Safer Communities**

**Ward(s) affected:**    **All Wards**

### **Purpose of the Report**

To inform the Committee of the outcome of the appeal from the sub-committee's decision to the Magistrates Court.

### **Recommendation**

**That the report be received.**

## **1        Background**

- 1.1        On 15 May 2012 a licensing sub-committee heard an application by Staffordshire County Council Trading Standards to review the premises licence for Rizwan News, 123 Knutton Lane. The application set out a number of areas of concern relating to test purchase failures and the sale of alcohol and tobacco to minors.

### **The Sub-Committee's Decision**

The decision of the committee was to:-

- (1)        Suspend the premises licence for a period of 2 weeks to enable the premises to put in place the remedial actions agreed with Trading Standards and to ensure that all relevant staff were trained.
  
- (2)        Impose conditions:-
  - (a)        A challenge 25 policy to be adopted.
  - (b)        Challenge 25 posters to be displayed at the premises to reinforce this policy. The posters will be displayed prominently and in sight of customers and staff.
  - (c)        A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by the police or officers of responsible authorities. The Refusals Registers are available from Trading Standards
  - (d)        All staff working at the premises involved in the sale of age restricted products including the sale and sale of alcohol to receive ongoing training. This will be recorded in a staff training register and will also include a written test of knowledge. The training records must be made available to police and officers of responsible authorities on request. Records shall be retained at the premises.
  - (e)        A recording CCTV system to be fitted:-

A benchmark recording without recording any people will be made to check against subsequent images recorded in the future.

The picture will be clear enough to identify people; the time and date displayed will be correct.

The cameras will cover all vulnerable areas and will be sited to cover all entrances and exits.

The lighting will be sufficient to enable the camera to see.

All recordings to be retained for a minimum period of 28 days from the date of the recording.

All recordings are to be made available to the police and officers of responsible authorities on request. Recordings must be provided in a downloadable format (preferably to a disc) suitable for use in any criminal proceedings.

- (3) Furthermore the sub-Committee warned the licence holder that any further underage sales could result in a further review of the Premises Licence and possible revocation.

2. **Issues**

**The Court's Decision**

The licence holder was represented by a solicitor and the appeal was heard before the Magistrates sitting at Fenton Magistrates Court on 18 July 2012 who dismissed the appeal.

3. **Options Considered**

N/A

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 Directly linked to creating a greener and safer Borough

5. **Legal and Statutory Implications**

- 5.1 The licence holder has exercised his statutory right of appeal from committee's decision to the Magistrates Court. There are no further legal or statutory implications arising therefrom.

6. **Equality Impact Assessment**

No Equality issues

7. **Financial and Resource Implications**

- 7.1 No order made as to costs in this case.

8. **Major Risks**

None

9. **Key Decision Information**

This is not a Key decision

10. **Earlier Cabinet/Committee Resolutions**

Licensing Sub-Committee decision 15 May 2012

11. **List of Appendices**

There are none.

12. **Background Papers**

Legal file reference L54/140

Agenda