

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 21 January 2020 at 10.00 am**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors J Blakey, L Brown, D Hicks and L Kennedy

1 Apologies

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 19 and 26 November 2019 were agreed as a correct record and signed by the Chairman.

5 Application for the Review of a Premises Licence - Premier Store, 32 Front Street, Framwellgate Moor

The Sub-Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the Review of a Premises Licence in respect of Premier Store, 32 Front Street, Framwellgate Moor, Durham, DH1 5EE (for copy see file of minutes).

Yvonne Raine, Senior Licensing Officer, presented the report and outlined the recommendations in the report.

C Hudson, Trading Standards Manager, confirmed that the Local Weights and Measures Authority were seeking a review of the Premises Licence following three failed test purchases, on the following grounds;

- Prevention of crime and disorder
- Protection of children from harm

G Blount, Senior Trading Standards Officer, advised that Mr Rabani was the Premises Licence Holder (PLH) and also held the role of Designated Premises Supervisor (DPS). The premises had failed a test purchase as part of an operation carried out by Durham Trading Standards and Durham Constabulary. Two further follow up test purchases were failed to ascertain whether the previous sale was an isolated incident or a rogue member of staff.

An FPN had been issued to Mr Rabani on 13 September but he had since provided evidence that it was his brother who had made the sale and at the time of the hearing, the Senior Trading Standards Officer could not confirm whether an FPN had been issued to Mr Rabani's brother.

At the time of the test purchases, the DPS was still listed as the former owner of the shop and having failed to respond to an initial letter, he had been contacted by telephone and confirmed that he was under the impression that the licence had been transferred. He also confirmed that his son visited the shop occasionally to check the building as they still had ownership of it.

The Senior Trading Standards Officer confirmed that on visiting the premises, there was found to be some literature in the store regarding underage sales and Mr Rabani had confirmed that staff had received verbal training but provided no training record. Three separate members of staff had failed test purchases which suggested training on underage sales was wholly inadequate.

The Senior Trading Standards Officer was concerned that Mr Rabani had been operating under a third party's licence since taking over the business in 2018 and that during that time there had been no control over the business from a DPS. Mr Rabani had also made no effort to check whether the licence had been transferred during that time period.

Some enquiries had been made to see if antisocial behaviour in the area had improved, but the PCSO who had worked with Trading Standards during the operation was no longer working for Durham Constabulary.

The Trading Standards Manager confirmed that Mr Rabani had finally transferred the Licences on 7 October 2019 but there were currently no conditions attached.

S Barry, Public Health Practitioner, confirmed that there was evidence that alcohol increased risk-taking behaviour in young people and it also had a harmful effect on the mind and body during the growth period. In addition,

there was a duty to protect communities and given the information in the report, he had no confidence that Mr Rabani could be considered to be operating a responsible licensed premises.

Mr Rabani addressed the sub-committee and confirmed that he had been in retail since entering the UK in 2013 and was running two successful businesses. The incidents had taken place in very busy high street store at a time when he had eleven members of staff. He had since provided a refusal register and a written training record. He had never served young people with alcohol, it was morally and ethically wrong. The store had been targeted by students who had damaged property due to being refused alcohol.

With regards to the incident in which his brother had served alcohol, he had briefly left the store for a few minutes and not expected his brother, who had not been trained, to make a sale. Staff received 1-2 weeks training and the lady who had failed the test purchase had been moved to his other store, as it did not sell alcohol, preventing her from making any further mistakes. He could not afford to pay for educated staff.

With regards to the lack of literature on underage sales, Mr Rabani complained that students ripped down posters and therefore when Officers had visited the store, there were only two or three on display.

If the Premises Licence was revoked, Mr Rabani suggested the business would be nonprofitable as 40% of sales were relating to alcohol and 60% of the alcohol sales included supplementary sales. The business would not be able to operate without alcohol sales and Mr Rabani understood the concerns which had been highlighted, but he had learned a lesson from this experience. A lot of his customers were students, but he was 100% committed to age verification.

Mr Rabani continued that when he took over the business, the former PLH's son was visiting every month and he was reminding him every time that the licence needed transferring. The delay was out of his hands and he could provide messages which he had sent to his landlord with regards to transferring the licence.

Mr Rabani confirmed that he was a part time student, studying Law and Business Management and he was respectful of the law and proud to be in the Country. He wanted to do everything to ensure his staff were complying with the licensing objectives and although many of the customers were students, he was confident that staff were aware of customers who were old enough to purchase alcohol.

Councillor Brown asked whether all staff had completed training since the incidents and Mr Rabani confirmed that he had only three members of staff,

one had been moved to his other store and the other two were experienced in retail and had received training.

In response to further questions from Councillor Brown, Mr Rabani confirmed that he had delivered the training himself in-house and he would provide refresher training every three months, but he reminded staff daily to verify age for restricted products.

Councillor Hicks was extremely concerned that the premises had been operating without a PLH for such a long time and Mr Rabani apologised but he felt that the delay was due to the third party whose signature was required for the transfer. In response to a question from Councillor Blakey, Mr Rabani said that he did not contact the Council to apply for a licence because he was under the impression that it needed to be done by the former owner.

The Senior Licensing Officer confirmed that Mr Rabani was referring to the consent form required to transfer a licence, which needed to be signed by the former PLH however there were other options available in extreme cases, if a new owner was struggling to get consent.

Councillor Charlton asked Mr Rabani if he was unaware that he needed a Premises Licence and he agreed that he was not aware he was doing anything wrong, because his other store did not sell alcohol.

Councillor Blakey stated that it would have been helpful to have information with regards to the number of incidents relating to antisocial behaviour.

In response to some questions from the Councils Solicitor, Mr Rabani confirmed that he was in the store 6-8 hours per day and he was there during the busiest time of day, which was between 10am and 3pm. On some days he would visit the cash and carry between 3pm and 5pm, and the store closed at 8pm. He studied part-time on an evening.

In response to Councillor Brown, the Senior Trading Standards Officer confirmed that the time of the test purchases were all in the early afternoon.

The Trading Standards Manager was concerned with the evidence that Mr Rabani had provided with regards to training. The text which appeared related to Challenge 18 policy, which had been altered by hand to say 25. Mr Rabani confirmed that he was operating Challenge 25 and staff had been trained in line with Challenge 25 policy. In addition, he had put up a lot of Challenge 25 posters. Mr Hudson referred to the till prompts which still referred to the verification age as 18 and Mr Rabani confirmed that they could be changed.

In response to further questions from the Trading Standards Manger, Mr Rabani confirmed that the store had CCTV which focused on the alcohol aisles and recordings were stored for 28 days. He also confirmed that he had received his Personal Licence in 2018 and was informed of the legislation on the course that he attended.

The Trading Standards Manager summed up to confirm that since Mr Rabani had taken over the store in July 2018, there had been no DPS and although he was mindful of the changes which had been made recently, there had been three failed test purchases. He reiterated that there were no conditions attached to the Premises Licence.

Mr Rabani was given the opportunity to sum up, but he had nothing further to add.

At 10.45 am the Sub-Committee retired to deliberate the application and reconvened at 11.00 am to ask for further information.

In response to a question from the Chair, the Trading Standards Manager highlighted conditions which considered relevant to attach to the Premises Licence which were outlined in the report.

The Solicitor asked The Trading Standards Manager whether he considered the training which had been provided to staff by Mr Rabani was sufficient, and he replied that he would prefer staff undertook a verified course by an accredited external provider. Mr Rabani confirmed that he personally intended to undertake an accredited course provided by the franchise.

Councillor Kennedy asked if the store would be monitored to ensure they were adhering to the licensing objectives and the Trading Standards Manger confirmed there would be follow up test purchases.

The Sub-Committee retired to deliberate the application in private at 11.05 am and reconvened at 11.15 am.

Resolved

That the following conditions be added to the Licence;

The Prevention of Crime and Disorder

- CCTV footage must be available and downloaded upon request by a Responsible Authority
- All incidents occurring at the premises will be recorded in an Incident Book maintained by the Premises Licence Holder or a nominated member of staff

- The details which will be recorded in the Incident Book are: the time and date of the incident, the name or full description of any persons involved (including staff members), whether the incident was recorded on CCTV and the signature of the person making the entry. This book will be available at all times for inspection by the Police and other Responsible Authorities upon request
- Persons known to be, or suspected to be buying alcohol or tobacco on behalf of children will be refused and reported to the Police.

The Protection of Children from Harm

- Adherence to the law surrounding the ban on the sale of alcohol and tobacco to those under 18
- The operation of a documented Age Certification Policy (Challenge 25) where all patrons believed to be under the age of 25 who seek to purchase age restricted goods will be asked to provide proof of age in the form of a UK Driving Licence, Passport, Military ID card or photo identification which is endorsed with the government PASS holographic logo
- A refusals register must be in place at the premises and used to keep a record of all attempted test purchases of alcohol and tobacco where a person believed to be under 25 is challenged and no identification is provided and the sale is therefore refused.
- The refusals register should record, the date and time of the refusal, a description of the young person refused, the goods asked for, any significant comments made or behaviours exhibited by the person and the signature of the person making the entry
- The register should be checked for completion and signed off on a regular basis by the DPS or Premises Licence Holder. The refusal register must be kept available at all times for inspection by the Police and other Responsible Authorities upon request
- Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police
- Notices to be displayed concerning the law surrounding the ban on the sale of alcohol to children and explaining the Challenge 25 scheme
- All staff to received full training on the law surrounding the sale of age restricted products and the operation of the Challenge 25 scheme. Regular reminders to staff as to their obligations with respect to the above
- All staff training records and reminders to be put in writing and kept as a record of training which must be kept on the premises and be available at all times for inspection by the Police and other Responsible Authorities on request
- The Premises Licence Holder must notify the Licensing Authority that he has booked on Age Verification Licensing Training from an

accredited provider for himself and all members of staff and to notify when these courses are completed