

LICENSING ACT 2003**Representation Re Application for Review of a Premises Licence**

From:	The Licensing Section, Tameside Metropolitan Borough Council
To:	The Licensing Section, Tameside Metropolitan Borough Council
Date:	21 st December 2020
	Jit's Super Shop, 21 Market Street, Stalybridge, SK15 2AL
Date of Application:	23 rd November 2020

The Licensing Authority, in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, hereby give notice of our representation supporting the Application for Review of a Premises Licence by Trading Standards in respect of the above premises.

The reason(s) for the objection are as follows:

This premise has a history of non-compliance relating to the respective licence granted on the premises. The operation of the premises in recent years has consistently undermined the licensing objectives namely, the protection of children from harm, the prevention of crime and disorder and public safety.

The Local Authority has received intelligence from Greater Manchester Police dating as far back to late 2018 in relation to underage sales of alcohol and tobacco taking place at the premises. Following a subsequent visit by TMBC Trading Standard's Officer Nicola Briers, a meeting was arranged with the respective licence holder Mr Panchani, Nicola Briers and Michael Robinson Regulatory Services Manager (Licensing). This meeting was arranged to discuss the concerns of the Local Authority.

During the meeting, it was suggested that reasonable and proportionate conditions were added to the licence to ensure effective promotion of the licensing objectives. These agreed conditions following a subsequent minor variation application received on 6 March 2019 are detailed below;

- CCTV
- Challenge 25
- Refusals Book
- Proxy Notices
- Staff Training
- List of Authorised Persons
- Purchasing Policy
- Purchasing Records to be kept

The agreement concerning the above conditions was as an alternate enforcement approach rather than submitting a premises licence review at that time.

During the period of June 2020, the Local Authority received further intelligence from Greater Manchester Police, namely PC Tony Lawton who witnessed and observed minors vacating the Jit's Super Shop. Upon them leaving the premises PC Tony Lawton apprehended the minors and found upon their persons was alcohol purchased from the premises. PC Tony Lawton took the children back into the premises to return the alcohol and obtain a refund. Furthermore, PC Tony Lawton did confirm these children clearly looked underage.

Following this information forwarded by PC Tony Lawton, a subsequent visit was arranged with Nicola Briers and Brad Byrne Regulatory Compliance Officer on 10 June 2020. The findings of this visit detailed further non-compliance in accordance with the premises licence and its relevant conditions namely, the CCTV was unable to be operated by a staff member and the refusals book had not been used for 12 months.

Nicola Briers with Mr Panchani present conducted a further visit on 16 June 2020. However, during this visit the authorised officer was unable to review footage relating to the underage sale incident passed on by PC Tony Lawton. This was once again a breach of a premises licence condition, as it states CCTV must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days. Furthermore, recorded footage must be provided to a representative of any responsible authority on request.

On 19 October 2020, Nicola Briers received information from Tameside MBC's CCTV Unit, who had witnessed a school pupil entering the premises and vacating with what appeared to be a single cigarette. Furthermore, this was confirmed when being reviewed by PC Martin Thorley of Greater Manchester Police, Nicola Briers and Mike Robinson on 20 October 2020 at the council offices. PC Martin Thorley subsequently made enquires to local schools and was able to identify the boy as a 14 year old, Year 10 pupil of Copley Academy.

During the visit on 20 October, by PC Martin Thorley and Mr Robinson the premises was again found to be non-compliant with conditions of the premises licence. No staff training was available and the member of staff working at the premises was unable to operate the CCTV.

On 5 November 2020, further information provided to the Local Authority by West Hill School. This information related to a pupil who was found to have firecrackers in his possession. Furthermore, the pupil stated he purchased them from Jit's Super Shop. PC Martin Thorley visited the school and found the items to be age-restricted products, and are in fact classed as an F1 Firework (Indoor Firework). The sale of these items are prohibited to anyone under the age of 16 years old.

On Saturday 21st November 2020 at approx. Tracy Jones-Lacy a Trading Standards Officer for Tameside MBC witnessed a boy she believed to be underage smoking outside the premises. Following this, she entered the premises and requested a copy of the CCTV for the previous hour approx. 14.00 – 1500 hours. The shop assistant at the time informed the officer that he was unable to get the CCTV for her and the officer had to request the CCTV from the Premises Licence Holder Mr Panchani via telephone. Mr Panchani has since emailed the officer on 21st November 2020 stating that to obtain the CCTV an officer must visit the premises with a USB stick to transfer the footage from the hard drive.

On Monday 23rd November 2020, James Horton Regulatory Compliance Officer for Tameside MBC visited the premises to serve a copy of the premises licence review applied for by Trading Standards, ensure the public notices were correctly displayed and carry out a premises inspection. During the visit the premises was found to be in breach of at least two premises licence conditions. The CCTV was in operation and recorded for 26 days. The condition attached to the premises licence requires the CCTV to run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days. Upon checking the refusals book, the last entry was made on 4th November 2020. A staff training record was not made available upon request and the shop assistant Shannon Martin was unsure where this was stored. However, the refusals book had an entry stating training had taken place for another shop assistant named "Jodie" on 26th October 2020. The licence condition relating to staff training clearly states that a written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority. This was not available during the inspection.

Due to the pattern of non-compliance with premises licence conditions, evidence of two underage sales of alcohol and cigarettes from the premises within five months, the Licensing Authority has

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lost faith in the ability of the management of the premises to promote the licensing objectives and therefore I recommend that the premises licence be revoked.

Signed:  Name: JAMES MICHAEL HORTON

