

Charlotte Johnson

Subject: Wisla Polski Sklep, KIDLINGTON - Review Application

From: [Nick Semper](#)

Sent: 04 November 2017 11:38

To: [Davies, Kate - Trading Standards](#)

Subject: Wisla Polski Sklep, KIDLINGTON - Review Application

Good morning,

This is a follow up e-mail as a result of our telephone conversation on Friday 04 November 2017 with regards to the licensing review concerning the Wisla Polski Sklep.

I am aware you have had a previous telephone and e-mail exchange with a solicitor - Mr RYAT - concerning this matter and have made him know what the position of Trading Standards is with regards to the matter progressing to a hearing. As a result of this correspondence and contact from the appellant Mr SALIH (the premises licence holder), my company has been approached by him to deal with the licensing review matter alone. I am aware that there are outstanding criminal prosecutions and am also aware that the review process does not impact on this nor does any prosecution upon the review.

Briefly our company is made up of two retired police officers who have a wealth of knowledge and experience in licensing matters, both in the police acting as a responsible authority (working with other responsible authorities) and latterly as a partnership working on behalf of private clients.

I have looked at the series of events that have resulted in this review and have also reviewed the premises licence. Clearly my client and his staff have failed to comply with the conditions contained in the premises licence and therefore have undermined the licensing objectives. My view also is that the premises licence is inadequate or in need of substantial revision in order to best promote the licensing objectives. The current format, as you will know, can bring about uncertainty for all parties when applying and/or enforcing some of the conditions.

Without prejudice and in the event of this matter progressing to a regulatory committee hearing, my client will be offering the following conditions in order to address the Council's concerns and to further promote the licensing objectives. Whilst some of these matters are already contained in the premises licence as one line entries, we believe that the revised conditions offered below are proportionate, necessary and most importantly enforceable in order to promote the licensing objectives. For example, the current licence stipulates 'Think 21' - our new condition will be 'Challenge 25'. You will see that the training condition also includes a training requirement for age restricted goods above and beyond alcohol and tobacco, in order to cover other age restricted goods that could be sold at a convenience shop.

Specifically:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational weekly log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings remedial actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported at/to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service(s)

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards.

All existing staff shall be trained within one month of the date this condition appears on this licence.

All new staff shall be trained within one month of taking up employment. All existing staff to be trained within three months of this condition appearing on this licence.

All staff shall be re-trained 12 (twelve) monthly thereafter.

The training shall include:

- Conflict resolution
- Selling to under age person
- Selling to drunks
- Selling age restricted goods

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee(s).

These records shall be produced to the Police, an authorised Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving counter advertising the scheme operated. Proof of the attainment of 25 years of age will be required through production of a PASS card, full or provisional photo card driving licence, by a photo passport, or official identity card containing the holder's date of birth, or any other accredited body (EU) country bearing a photograph of the bearer and their date of birth prior to any alcohol sale taking place.
5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer on demand.

My client and I believe that these are positive & robust steps to promote the licensing objectives and puts in place procedures which are clear and unambiguous to address the review and further promote the licensing objectives.

In light of the above matters, I would ask that you reconsider your decision to progress to a hearing as it is possible to deal with the disposal through a variation application.

I do however appreciate that you have already stated your intention to let this matter progress to a hearing, but do feel that our open dialogue during the consultation period and at any point up to the hearing may result in a smoother way of managing important Trading Standards Department and Licensing Regulatory Committee time.

Again, although this is a without prejudice communication, I think we can all assume that were the matter to proceed to a hearing, the above conditions would constitute our 'offer' as acceptable amendments to further promote the licensing objectives.

Thank you very much for speaking with me on Friday, and I very much look forward to your observations in due course.

Regards,

Jim MOONEY

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