

Public Protection

Jackie Fitzsimons – Shared Public Protection Manager



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mr Soran Mohammed Salih

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Our Ref: PRM0595

23 November 2017

Dear Mr Soran Mohammed Salih

Determination Notice

Premises Licence Review: Wisla Supermarket, Kidlington

Licensing Sub-committee Hearing, Cherwell District Council, 20 November 2017

I write to confirm the outcome of the above detailed Premises Licence Review hearing.

The licensing sub-committee has carefully listened to and considered the representations submitted by the applicant, Oxfordshire County Council Trading Standards, and the representations submitted by Thames Valley Police in support of the application.

The licensing sub-committee notes particularly that this application has been brought following the underage sale of alcohol at the premises; failure to notify the licensing authority of changes relating to the Designated Premises Supervisor and failure to adhere to a Think 21 policy or to have in place an effective age verification policy. The licensing sub-committee further notes that the premise has failed in a similar regards as concerns the sale of tobacco.

The licensing sub-committee has carefully listened to and considered the representations submitted on behalf of the respondent Premises Licence Holder and it is clear that the premises is considered by local residents to be a valuable community asset. The licensing sub-committee notes that the Premises Licence Holder has accepted full responsibility for the failings and welcomes the agreement of the parties as to the conditions advanced for inclusion on the Premises Licence to ensure and enhance the promotion of the licensing objectives, particularly the prevention of children from harm. The licensing sub-committee has determined that the Premises Licence be amended to include, in addition to the mandatory Premise Licence Conditions, the conditions specified below:

Additional Conditions

1. CCTV

- 1.1 CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
- 1.2 CCTV cameras shall cover all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.
- 1.3 The CCTV Equipment shall be maintained in good working order, be correctly time and date stamped with the CCTV recordings be kept in date order, sequentially numbered and kept for a period of 31 days.
- 1.4 The Premises Licence Holder must ensure at all times that a DPS or appointed member of staff is capable and competent to download CCTV recordings in a recordable media format.
- 1.5 The CCTV recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or appointed member of staff. An operational weekly log report must be maintained and endorsed by the signature of the DPS or the appointed member of staff indicating the CCTV system has been checked, is in working order and compliant, and in the event of any failings remedial actions taken are also to be recorded.
- 1.6 In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS shall report the failure to the Police on contact number '101' immediately.
- 1.7 The CCTV recordings must be available for inspection upon demand by the police, an authorised officer, as defined by Section 13 of the Licensing Act 2003, or an authorised Trading Standards Officer.

2. Incident Log

- 2.1 An incident log must be kept at the premises. Incident log records shall be retained for a period of 12 months from the date the incident occurred.
- 2.2 The incident log shall record:-
 - (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
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service(s)
- 2.3 The incident log shall be available for inspection upon demand by the police, an authorised officer, as defined by Section 13 of the Licensing Act 2003, or an authorised Trading Standards Officer.

3. Training

- 3.1 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.
- 3.2 All existing staff shall be trained within one month of the date this condition appears on the Premises Licence.
- 3.3 All new staff shall be trained within one month of commencing employment.
- 3.4 All staff shall be re-trained 12 (twelve) monthly thereafter.

3.5 The training shall include:

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

3.6 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).

3.7 Training records shall available for inspection upon demand by the police, an authorised officer, as defined by Section 13 of the Licensing Act 2003, or an authorised Trading Standards Officer.

4. Challenge 25 Policy

4.1 The premises shall operate a Challenge 25 Policy. Such policy shall be written and a copy kept at the premises.

4.2 The policy shall be available for inspection upon demand by the police, an authorised officer, as defined by Section 13 of the Licensing Act 2003, or an authorised Trading Standards Officer.

4.3 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all entrances to the premises as well as at least one location behind any serving counter advertising of the operation of the Challenge 25 Policy.

4.4 Prior to any alcohol sale taking place, proof of the attainment of 25 years of age will be required through production of a PASS card; a full or provisional photo card driving licence; a photo passport, or official identity card containing the holders date of birth, or any other accredited body of a European Union country bearing a photograph of the bearer and his / her date of birth prior to any alcohol sale taking place.

5. Sales Refusal Register

5.1 A written or electronic register of sales refusals shall be kept including a description of refused product and of the person to whom the sales has been refused as s/he has been who have been unable to provide required identification to prove his/her age. Such records shall be kept for a period of 12 months.

5.2 The sales refusals registers shall be collected and reviewed on a weekly basis by the Designated Premises Supervisor.

5.3 The sales refusals register shall be available for inspection upon demand by the police, an officer authorised, as defined by Section 13 of the Licensing Act 2003, or an authorised Trading Standards Officer.

The licensing sub-committee is satisfied that the addition of these conditions are necessary and proportionate for the purposes of promoting the licensing objectives.

Appeal

Either party has the right to appeal this decision by giving notice to the magistrates' court within a period of 21 days beginning with the day upon which notification of the determination was given.

Any appeal should be made to Banbury Magistrates Court, The Court House, Warwick Road, Banbury, Oxfordshire, OX16 2AW.

Yours Sincerely

Jackie Fitzsimons
Shared Public Protection Manager

Cc. Trading Standards, Oxfordshire County Council
Thames Valley Police,
Mr Gary Wing