

Environmental Health & Licensing

Graham Kane - Executive Director for Environmental Health



DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Our Ref: PRM0595

17th September 2018

Dear Mr Abdulla

Determination Notice

**Premises Licence Review: Wisla Supermarket, Kidlington (“the Premises”)
Licensing Sub-committee Hearing, Cherwell District Council, 12 September 2018**

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

The licensing sub-committee listened carefully to all those who spoke at the hearing and carefully considered the papers that were before them.

The sub-committee were concerned by the detailed history of the Premises as outlined by Trading Standards in particular, submissions regarding the sale of illegal tobacco and the sale of alcohol to persons under 18. The sub-committee were also concerned that this is the second review in relation to the premises in less than a year.

The sub-committee noted that in accordance with the statutory guidance issued under s.182 of the Licensing Act 2003, underage sales of alcohol and the sale or storage of smuggled tobacco are criminal activities which in connection with a licensed premises should be treated particularly seriously and where reviews arise as a result of such activity (and it is determined that the crime prevention objective is being undermined by such activities) serious consideration should be given to the revocation of a premises licence. Furthermore, that in respect of upholding the licensing objective of preventing crime and disorder, action may be taken against a premises licence in the interests of the wider community and for the purpose of deterrence, not just for remedying the causes of activities which may be undermining the licensing objectives.

The sub-committee did however note that this history occurred prior to the transfer of the Premises Licence (“the Licence”) to the current premises Licence holder and Designated Premises Supervisor (“DPS”), Mr Abdulla, on 7 August 2018. Despite submissions by Trading Standards regarding Mr Abdulla’s possible connections with the previous premises licence holder and DPS, the evidence submitted did not persuade the sub-committee that Mr Abdulla was sufficiently

connected with the previous premises licence holder and DPS to make him culpable for all of the activities leading to this review.

The sub-committee did carefully consider the representations regarding the visit undertaken by Trading Standards on 10 September 2018 whereby a number of the conditions of the Licence were found to have not been complied with and there were concerns raised regarding the right to work status of a member of staff at the premises. The sub-committee noted the explanation on behalf of Mr Abdulla that he had not been made aware of the conditions on the Licence but considered it was his responsibility to pro-actively obtain this information at the time of the transfer. Whilst the sub-committee were seriously concerned by the submissions as to Mr Abdulla's licensing knowledge, they were encouraged that he agreed to implement the further requirements of Trading Standards (set out on pages 33 and 34 of the Agenda), would be receiving guidance from his representative at the hearing (Mr Burke) who delivers training in Licensing Act 2003 matters and that all staff involved in the sale of alcohol would be receiving training to be personal licence holders.

The sub-committee did not consider it was appropriate on this occasion to revoke the Licence to uphold the licensing objectives. However, the sub-committee considers the breach of licensing conditions very seriously and for the promotion of the crime prevention objective considered it was appropriate and proportionate to suspend the Licence for 3 months. The sub-committee would expect that during the period of suspension, Mr Abdulla will ensure he and any staff that are or will be working at the Premises receive the necessary training and ensure the Premises can be fully compliant with the conditions of the Licence after suspension. The sub-committee further considers it is appropriate and proportionate to uphold the objective of preventing crime and disorder to amend the Licence to include the following further conditions (including the requirements of Trading Standards agreed by Mr Abdulla):

- A condition reading, *'Only people authorised by the premises licence holder shall buy tobacco products for the business.'*
- A condition reading, *'Persons authorised to buy tobacco products for the business must be authorised in writing and that list must be made immediately available for inspection by the Police or Trading Standards upon request.'*
- A condition reading, *'All staff who are authorised to buy tobacco products must take all reasonable precautions and exercise due diligence in order to avoid buying illegal goods. This will include, but not be limited to the following:*
 - *All authorised staff responsible for the purchase of tobacco products shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.*
 - *All authorised staff responsible for the purchase of tobacco products shall ensure that all receipts for tobacco products bought include the following details:*
 - *Seller's name and address*
 - *Seller's company details, if applicable*
 - *Seller's VAT details, if applicable*
 - *Seller's vehicle registration details, if applicable.'*
- A condition reading, *'Legible copies of invoices/receipts for tobacco products shall be retained on the premises and made available for inspection by Police or Trading Standards on request.'*

- A condition reading, *'Where anyone working within the premises becomes aware that any non-duty tobacco may have been offered for purchase, they shall inform the Police or Trading Standards Immediately and keep a written record of such action.'*
- A condition reading, *'A3 Illegal Tobacco Keep it Out posters including the illegal tobacco hotline reporting number to be displayed at the entrance and sales area of the licensed premises at all times.'*

Appeal

All parties have 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 Oxford Magistrates' Court, Speedwell Street, Oxford,OX1 1RZ

Yours sincerely,

Nicholas Sutcliffe
Licensing Manager

Cc. Trading Standards, Oxfordshire County Council

Thames Valley Police

Mr Patrick Burke