

To: Chair & Members of the Licensing &
Gambling Acts Sub Committee

The Arc
High Street
Clowne
S43 4JY

Contact: Alison Bluff
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Tuesday, 13th October 2020

Dear Councillor

LICENSING & GAMBLING ACTS SUB COMMITTEE

You are hereby summoned to attend a meeting of the Licensing & Gambling Acts Sub Committee of the Bolsover District Council to be held as a virtual meeting and in the Council Chamber, The Arc, Clowne on Wednesday, 21st October, 2020 at 10:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of “hybrid” meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer (overleaf) as applying.



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 3 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steuberg". The signature is written in a cursive, flowing style.

Solicitor to the Council & Monitoring Officer

LICENSING & GAMBLING ACTS SUB COMMITTEE

AGENDA

Wednesday 21st October 2020 at 10:00 hours taking place as a virtual meeting and in the Council Chamber, The Arc, Clowne

| Item No. | PART 1 – OPEN ITEMS | Page No.(s) |
|----------|---|-------------|
| 1. | Apologies for Absence | |
| 2. | Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time. | |
| 3. | To consider an application for a review of the premises licence for; Town Street Stores, 3 Town Street, Pinxton, Nottingham, NG16 6HH. 1. Application for a Premise Licence 2. Application for a review of the Premise Licence (Exempt) 3. Supporting Evidence Report from Police (Exempt) NB: Some of the supporting evidence is classified as exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972. If this evidence is to be discussed in the meeting, then the Sub-Committee must resolve to move into private session. | 4 - 27 |

Bolsover District Council

Licensing and Gambling Acts Sub-Committee

21st October 2020

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| <p>Determination of a Premises Licence Application under the Licensing Act 2003</p> |
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Report of the Licensing Team Leader

This report is public

Purpose of the Report

- To consider an application for a review of the premises licence for, Town Street Stores, 3 Town Street, Pinxton, Nottingham, NG16 6HH.

1 Report Details

- 1.1 Town Street Stores, 3 Town Street, Pinxton is a small independent shop located on the main road through Pinxton.
- 1.2 There has been a premises licence for these premises since the introduction of the Licensing Act in 2005 and the licence has been in the name of Mr Krishnapillai Krisnakugan (Mr K) since the 22 September 2015. Mr K is also the Designated Premises Supervisor (DPS) named on the licence.
- 1.3 The premises are licenced for the sale by retail of alcohol for consumption off the premises at the following times:

| | |
|-----------------------------|-----------------------------------|
| Monday to Saturday | 08:00 to 23:00 |
| Sunday | 10:00 to 22:30 |
| <u>Non Standard Timings</u> | |
| Christmas Day | 12:00 to 15:00 and 19:00 to 22:30 |
| Good Friday | 08:00 to 22:30 |

The premises are permitted to open 24 hours a day.

A copy of the premises licence is attached at Appendix 1.

- 1.4 The premise licence has a number of licence conditions which are set out at Annex 2 of Appendix 1.
- 1.5 On the 2nd September 2020 the Licensing Team received an application for the review of the premises licence from Derbyshire Police under the following licensing objectives:
- The prevention of crime and disorder
 - Public safety

A copy of the review application is attached at Appendix 2.

To assist Members the reasons for the review application are:

This application for a review Premise Licence and Designated Premises Supervisor for Town Street Stores, 3 Town Street, Pinxton.

The Premises Licence Holder and the Designated Premises Supervisor is held by Mr Krishnapillai Krisnakugan.

This review is submitted for the concerns that the licensing objectives of Prevention of Crime and Disorder and Public Safety will be undermined if the current Premises Licence Holder and Designated Premises Supervisor is allowed to continue in his role at the premises.

Initial information provided to support the application is detailed at Appendix 2 to the report. In addition to this, the Police have also provided confidential information.

- 1.6 The current statement of licensing policy adopted by the Council sets out the following information in relation to the review of a premises licence:

7.25 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives. Where a review Hearing is held the Licensing Authority has a variety of options it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

7.26 The Licensing Authority encourage and support a proactive approach by licensees to tackling the problem of illegal drugs and

unidentified substances in licensed premises. There is a strong link between illegal recreational drugs and the night time economy. Should the licence holder fail to take appropriate steps to mitigate a drug problem then the premises licence could be taken for review. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crime then revocation of the licence will be seriously considered.

2 Conclusions and Reasons for Recommendation

2.1 The Licensing Sub-Committee may;

- take no action; or
- issue a verbal or written warning; or
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; or
- exclude a licensable activity from the scope of the licence; or
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management; or
- suspend the licence for a period not exceeding three months; or
- revoke the licence.

3 Consultation and Equality Impact

3.1 Not applicable

4 Alternative Options and Reasons for Rejection

4.1 None

5 Implications

5.1 Finance and Risk Implications

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.

Costs could be awarded against the Authority in the event that the appeal is successful.

5.2 Legal Implications including Data Protection

The aforementioned parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing

5.3 Human Resources Implications

None

6 Recommendations

- 6.1 That the Licensing Sub-Committee considers the representation/s; and determines the application in line with the options outlined in 2.1 above.

7 Decision Information

| | |
|--|--|
| Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In) | No |
| Has the relevant Portfolio Holder been informed | Yes |
| District Wards Affected | Not applicable |
| Links to Council Plan priorities or Policy Framework | Supporting our Communities to be Healthier, Safer, Cleaner and Greener |

8 Document Information

| Appendix No | Title |
|-------------|--|
| 1 | Application for a Premises Licence |
| 2 | Application for review of the premises licence (Exempt) |
| 3 | Confidential Information provided by the Police (Exempt) |

| Background Papers | |
|---|-----------------------|
| Statement of Licensing Policy Revised Guidance issued under Section 182 of the Licensing Act 2003. | |
| Report Author | Contact Number |
| Kevin Rowland, Licensing Team Leader | Ext. 7879 |

Premises Licence

Part A

Licensing Act 2003

Premises Licence Number

PL0072

PART 1 - PREMISES DETAILS

Postal address of premises or, if none, ordinance survey map reference or description

Town Street Stores, 3 Town Street

Post Town
Pinxton

Post Code
NG16 6HH

Telephone Number
01773 777251

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale by Retail of Alcohol for Consumption Off the Premises

Adult Entertainment or Services

No adult entertainment or services are allowed.

The times the licence authorises the carrying out of licensable activities

| | |
|------------------------------------|--|
| Monday to Saturday | 08:00 to 23:00 |
| Sunday | 10:00 to 22:30 |
| <u>Non Standard Timings</u> | |
| Christmas Day | 12:00 to 15:00 and 19:00 to 22:30 |
| Good Friday | 08:00 to 22:30 |

The opening hours of the premises

| | |
|-------------------------|----------------|
| Monday to Sunday | 24 hour |
|-------------------------|----------------|

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Supplies

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Krishnapillai Krisnakugan

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Krishnapillai Krisnakugan, 3 Town Street, Pinxton, Nottingham, NG16 6HH

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: LN201200488

Issued by: Thanet District Council

ANNEX 1

Mandatory Conditions

All Premises Licence authorising supply of alcohol

Mandatory Conditions where Licence Authorises the Supply of Alcohol

- 1 No Supply of alcohol may be made under the Premises Licence -
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 3
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 - 5
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
 - 6 The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2 For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (i) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4
- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1 Full training is to be provided to staff on commencement of employment on the law relating to all age restricted products sold and any system or procedure they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals. (at least six monthly) Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of two years.

- 1 A challenge 25 Proof of age Scheme will be operated. Anyone attempting to purchase alcohol (or other minimum age of 18 years restricted product) that appears to be under 25 years will be asked for proof of age. Acceptable forms of identification will be a PASS accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

- 4 Clear, prominent and unobstructed signage informing customers of the Proof of Age Scheme in operation and the age restrictions on relevant products will be clearly displayed at:
 - all entry points to the premises,
 - adjacent to those products where displayed, and
 - all points of sale.

- 5 A system of recording sales refused under the Proof of Age scheme will be operated at all times. At least weekly, the Designated Premises Supervisor (or authorised deputy) will
 - examine the record and compare it against the normal operating pattern for the premises.
 - indicate any action taken in relation to that examination
 - sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of two years

- 6 A closed circuit television will be installed and maintained to an evidential standard required by Police Licensing.
 - this system will be operational and recording during any time when the premises are open for licensable activities as specified in the premises licence.
 - this system will keep all recorded images for a period of no less than twenty eight days.

- there must be a person trained in the use of the system either at the premises or available to retrieve any images or data immediately upon request of a police officer or authorised officer acting on behalf of a responsible authority as detailed within S13 of the Licensing Act 2003.

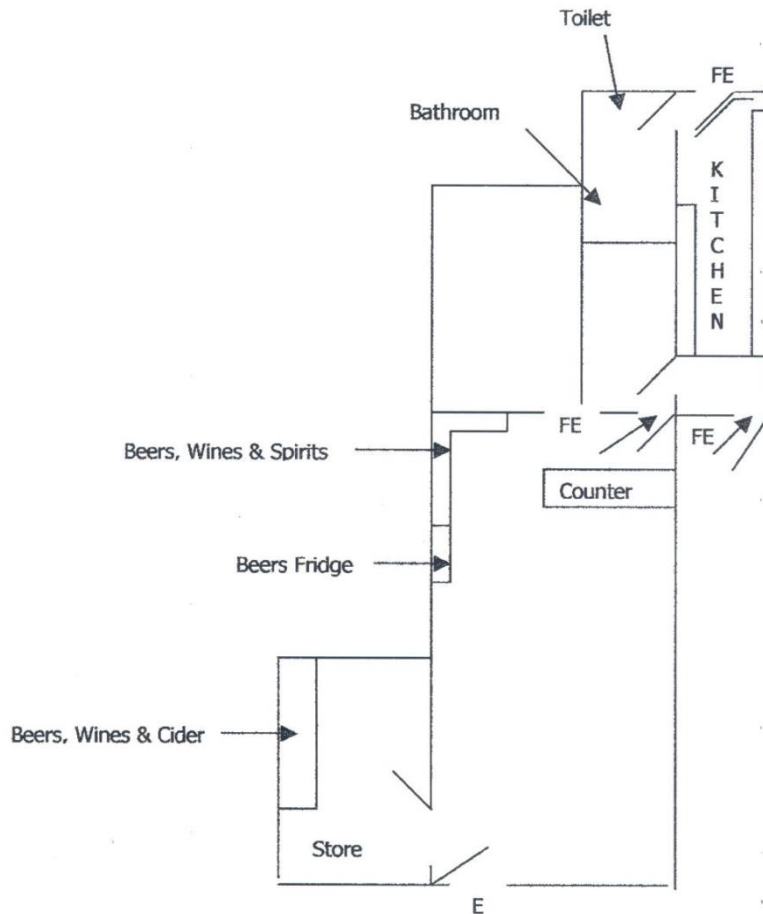
ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING

None

ANNEX 4

PLANS



| | | |
|---------------------------|-------------------------|------------|
| Title | Date 25 - 6 - 05 | Drawn By |
| Town Street Stores | Scale 1cm : 1m | JKP |

Town Street Stores
315 Town Street
Pinxton
Nottingham
NG16 6HH

PL0072

KEY:

- FE = Fire Exit
- E = Entrance

Appendix 2

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted