

Licensing Hearing Panel - Sub-Committee of Licensing and Safety Committee – Supplementary agenda no. 2

A meeting of the Licensing Hearing Panel - Sub-Committee of Licensing and Safety Committee will be held on:

Date: 28 March 2017

Time: 9.30am

Venue: Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

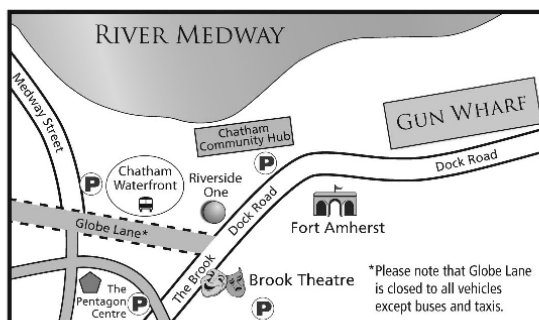
Items

- 7 Application for review of the existing premises licence, City Minimart, 3 Cazeneuve Street, Rochester, Kent ME1 1XU (Pages 3 - 14)**

Additional information from Licensing Matters, representing the Licence Holder.

For further information please contact Stephen Platt, Democratic Services Officer on Telephone: 01634 332011 or Email: democratic.services@medway.gov.uk

Date: 24 March 2017

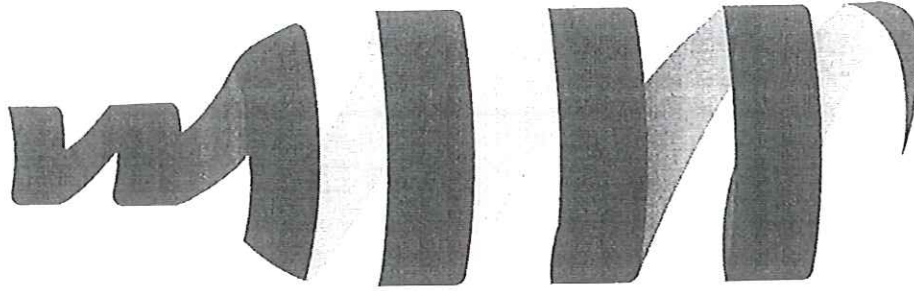


This agenda and reports are
available on our website
www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	اردو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ଏଞ୍ଜେଲିକ	331786	فارسی	331840	Lietuviškai	332372



LICENSING MATTERS
you serve • we protect

Review Hearing
28th March 2017

City Minimart
3 Cazeneuve Street
Rochester
ME1 1XU

Supporting documentation

Email sent to Trading Standards as part of the negotiation process.

From: Licensing Matters [mailto:gill.sherratt@licensingmatters.net]
Sent: Wednesday, February 1, 2017 3:06 PM
To: 'shawmackie, gemma' <gemma.shawmackie@medway.gov.uk>
Subject: RE: Review applications for Temple Post Office & City Mini Market

Hi Gemma,

Thanks very much for this, I appreciate your response and hopefully more clarity will assist.

City Mini Mart

Person who made the sale - the person who made both sales is no longer working at the premises. As he is the person who made both sales the issue in relation to any failure in the training can only be applied to him individually. Something that has now been rectified by him no longer working there.

DPS - Any failure on the part of the DPS can be rectified by the removal of that person in that role, something that we are fully prepared to do. As you now this business is owned by Mr & Mrs Pirattheepan. The licence is currently in the name of Mrs Pirattheepan and perhaps that is where the failings have been as she has not considered her ability to take on that role AND look after the 3 children. Mr Pirattheepan is now taking control of the shop and we propose to remove Mrs Pirattheepan from holding any responsibility as the DPS.

Now that Mrs Pirattheepan is taking a less active role the other change they have made is to employ a full time manager with personal licence.

So we have 2 options for you to consider. We could change the DPS to either Mr Pirattheepan or the new manager. That person will be fully responsible for any training and compliance from this point onwards.

Training - I know that since September they have invested in staff obtaining the level 2 personal licence course. As you know that course is fully accredited and its suitability cannot be questioned. The only thing I can improve on with that is offering for Mr Pirattheepan and the manager to attend the Level 2 Qualification for Designated Premises Supervisors which goes into more detail about due diligence and the more wide ranging compliance issues that owners and managers should be aware of.

A further condition relating to internal quarterly training being undertaken and documented is no issue.

Till Prompts - we are willing to offer a condition that the till system will be upgraded to include till prompts. This is a significant investment and will assist staff greatly to avoid making any mistakes again in the future.

Having spoken to Mr Pirattheepan in relation to the first test purchase and offer of training I am not sure if you spoke with the owners personally about both of these things at the time but Mr Pirattheepan says they did not know about them. I think you already know about their family problems that they had at the time. They have certainly not actively ignored things and as this is their livelihood would never put it in jeopardy in this way.

A summary of our offer of remedial actions is as follows:

1. Removal of the DPS and replaced with either Mr Piratheeapan or the new full time manager.
2. Both Mr Piratheeapan and new manager to attend the level 2 DPS training course
3. The current condition on the licence relating to training is very basic. It can be improved to be more comprehensive and include a further condition relating to internal quarterly training being undertaken and documented.
4. The store will have a system of till prompts in place.

As licensing is remedial I can't see how much more we can do to remedy the issues that arose in these cases. As it was just 1 person responsible (and the DPS/Premises Licence holders in authority), with these people removed (where appropriate) from their role I do feel that there is a very strong argument that these measures should be sufficient. As I will be conducting the training personally I will ensure that all the issues that arose specific to these 2 premises will form the core of the matters discussed and the issues surrounding underage sale the focus of the day as far as possible. I will be more than happy to outline the content of the training to you.

I accept that there may have been little response to your offer of training previously if that is the case. But as this is the first blot of the record of both premises I would hope that the lengths they are now going to should demonstrate their willingness to correct the previous failings and a commitment to making sure they don't happen again in the future.

I would appreciate your comments once again.

Thanks,

Gill

Negotiations with Trading Standards

From: Licensing Matters [mailto:gill.sherratt@licensingmatters.net]
Sent: Thursday, February 9, 2017 10:53 AM
To: 'shawmackie, gemma' <gemma.shawmackie@medway.gov.uk>
Subject: City Mini Mart

Hi Gemma,

As per our conversation please find below our offer of remedial actions is as follows:

1. Removal of the DPS and replaced with Mr Pirattheepan.
2. Both Mr Pirattheepan and new manager to attend the level 2 DPS training course.
3. The following conditions to be added to the licence:
 - a. All staff to receive refresher training on the Licensing Act on a quarterly basis. That training to be documented and made available to the authorities on request.
 - b. The store will have a system of till prompts in place.
 - c. A refusals register to be in use at the premises and used by staff on every occasion a challenge for identification or a refusal is made. The DPS shall check the register on a regular basis and sign that they have done so.

I think that covers everything, just let me know if I have missed anything. Once you have formally withdrawn the review application I will submit a minor variation to add these conditions and a DPS change. I will also let you know when the course is due to take place and provide you with a copy of the certificates once we have them.

I look forward to hearing from you.

Gill

From: shawmackie, gemma [mailto:gemma.shawmackie@medway.gov.uk]
Sent: Thursday, February 9, 2017 12:47 PM
To: licensing <licensing@medway.gov.uk>; gilmore, ian <ian.gilmore@medway.gov.uk>; gill.sherratt@licensingmatters.net
Subject: FW: City Mini Mart

Good Morning

The following actions have been agreed in regards to City Minimart. We accept these conditions believing them to be comprehensive and reasonable. We therefore do not believe it necessary to continue with our Licensing review.

Kind regards

Gemma

Refusals register endorsed by Trading Standards
on 2nd February 2017

REFUSALS REGISTER				
Date	Product	Time	Name of Person on Refusal	Observation
25/1/17	Budweiser Bottles 2	14:57	Young male bushy hair	looked under 25 requested ID no ID provided
25/1/17	Tobacco	15:17	Young 2 males	looked under 25 ID requested no ID provided
25/1/17	Snaf 300	15:34	Young male	no ID provided
20/1/17	Shower 2 shower	19:23	Young boy	no ID
20/1/17	Tobacco	20:41	29-18 Young male	NO ID
01/02/17	Lighter	17:21		NO ID
01/2/17	Film	18:42	Young A.D	NO ID
02/2/17	Cigarettes	11:00	Young male	NO ID
2/2/17	Noted by 6 Shaw machine of Midway Local Trading Standards Dept.			2/2/17
2/2/17	6 Shaw machine	17:47	Young male	2/2/17
Managers Signature				Date: 2/2/17

Please contact: Gemma Shaw-Mackie

Our ref: TP Exercise/Tobacco

Date: 15th February 2017

Medway
COUNCIL

Serving You

Village Mini Market
19 Parkside Parade
Cliffe Woods
Kent
ME3 8HX

Frontline Services
Regeneration, Community and Culture
Medway Council
Civic Headquarters
Gun Wharf
Dock Road
Chatham Kent ME4 4TR
Telephone: 01634 331684
Facsimile: 01634 333182

Email: gemma.shawmackie@medway.gov.uk

Dear Sir/Madam

Re: Test Purchase Operation

This is a standard letter of notification to inform you that on Saturday 11th February 2017 **an attempt was made to purchase Cigarettes** from your premises by a young person under the age of 18 years.

On this occasion, the operation resulted in ***no sale being made*** to the young person.

A record of this notification will be held on the Local Authority database. You are reminded to ensure that you and your staff are vigilant in the Sale Tobacco. As well as any other age restricted products and, that you ask for proof of age or refuse to sell where there is any doubt as to the age of the purchaser.

For further advice and information about how to protect your business please contact Gemma Shaw-Mackie on 01634 331820.

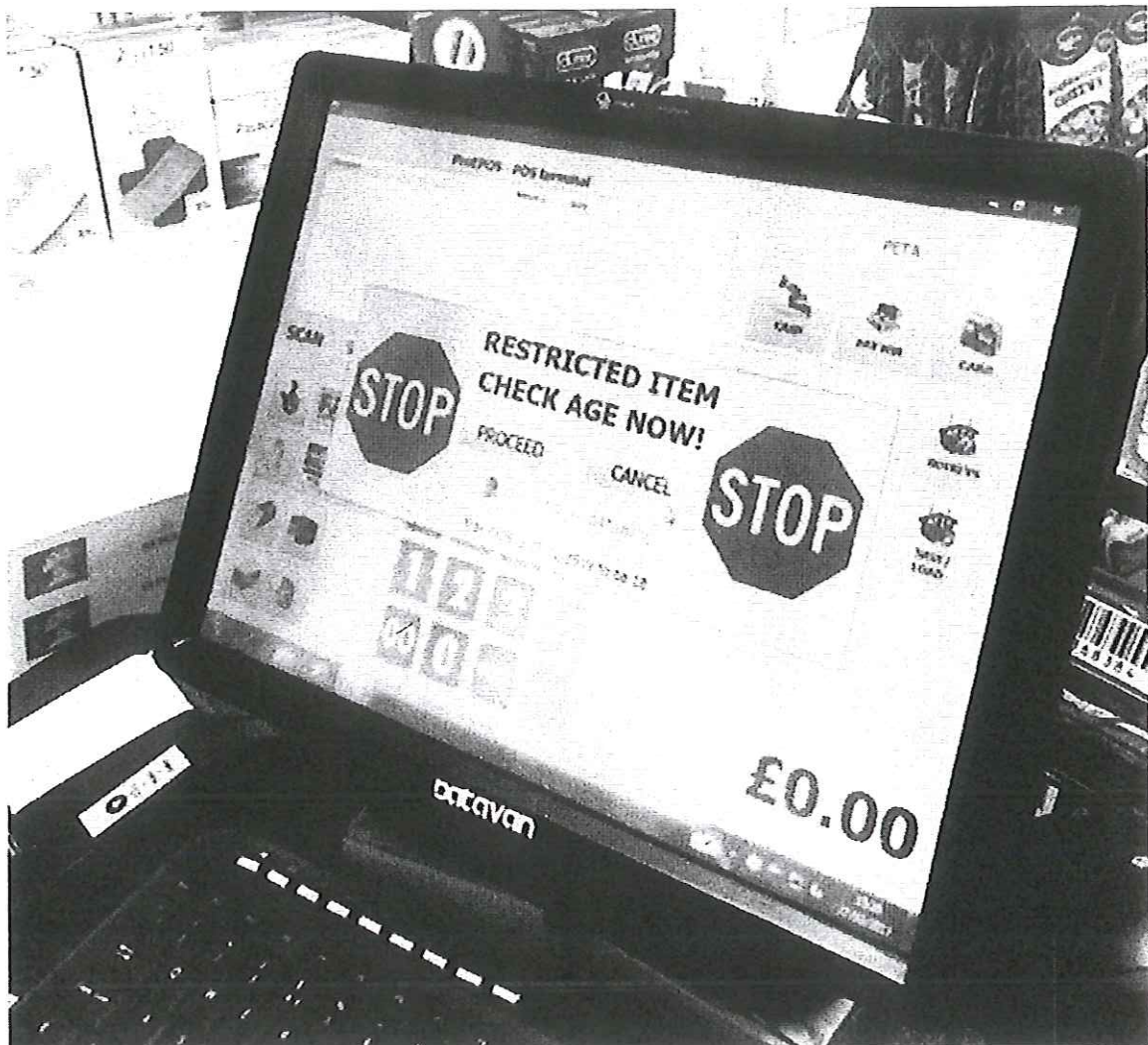
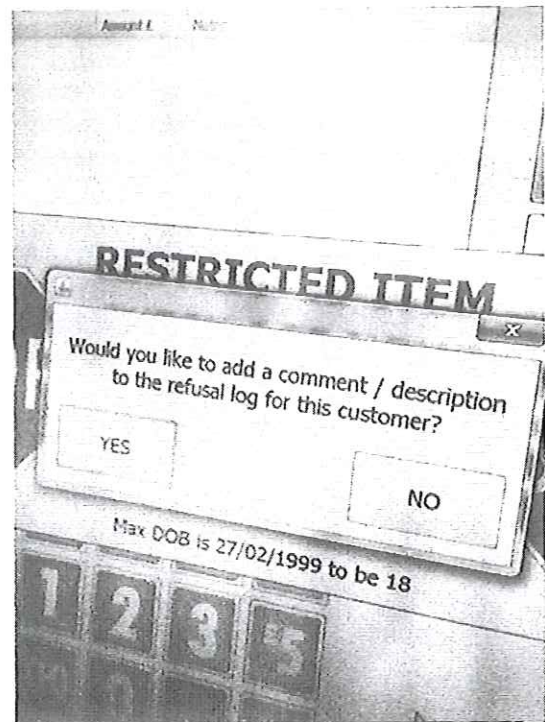
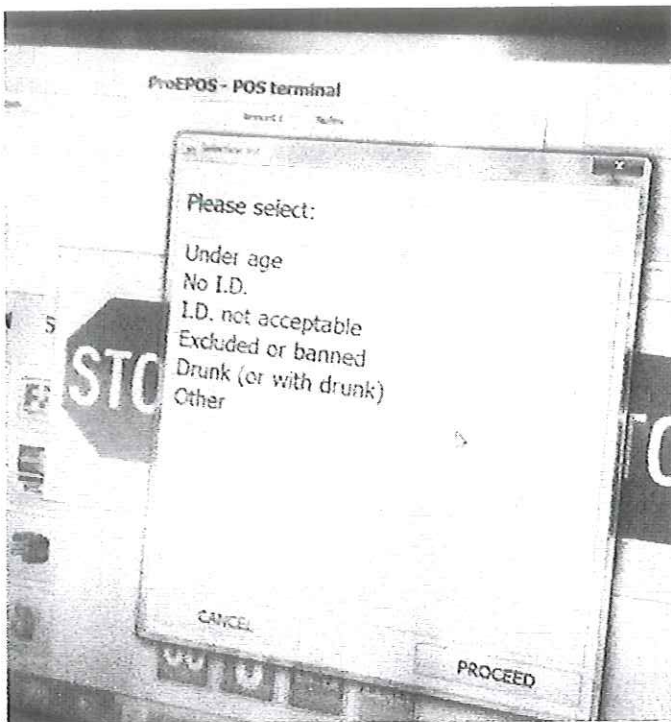
Yours faithfully,



Gemma Shaw-Mackie
Trading Standards Officer
ENCL.



TILL PROMPTS



Issued on 19 October 2016

Licensing Authority
Business Support Department
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Personal Licence

This is to certify

Mrs Peta Nicola Smith

Address



is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

Personal Licence Number

Medway/16/00801/PERS

Licence Granted Date

19 October 2016

Relevant Convictions

None

Signed on behalf of Medway Council



Chief Legal Officer

This is a legal document and should be kept for the duration of the licence.

Issued on 19 October 2016

**Licensing Authority
Business Support Department
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR**

Personal Licence

This is to certify

Miss Harpreet Kaur

Address



is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

Personal Licence Number

Medway/16/00800/PERS

Licence Granted Date

19 October 2016

Relevant Convictions

None

Signed on behalf of Medway Council



Chief Legal Officer

This is a legal document and should be kept for the duration of the licence.

Issued on 25 October 2016

Licensing Authority
Business Support Department
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Personal Licence

This is to certify

Miss Sharon Belinda McCall

Address



is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

Personal Licence Number

Medway/16/00816/PERS

Licence Granted Date

25 October 2016

Relevant Convictions

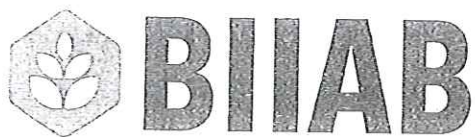
None

Signed on behalf of Medway Council



Chief Legal Officer

This is a legal document and should be kept for the duration of the licence.



This is to certify that

KATRINA DEHAROVICOVA

has been awarded the

BIIAB Level 2 Award for Designated Premises Supervisors (QCF)

Qualification Accreditation Number: 500/3634/8
Certificate Number: 117661

Date Achieved: 06/03/2017
Learner Number: 124204



Denise Thomson
Responsible Officer



Regulated by
Ofqual
For more information see <http://register.ofqual.gov.uk>

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This is to certify that

PIRATHEEPAN KULANAYAGAM

has been awarded the

BIIAB Level 2 Award for Designated Premises Supervisors (QCF)

Qualification Accreditation Number: 500/3634/8
Certificate Number: 117660

Date Achieved: 06/03/2017
Learner Number: 124218



Denise Thomson
Responsible Officer

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