

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 17 NOVEMBER 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 17 NOVEMBER 2021 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Phil Davis and Mary Locke

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Mandeep Marwaha – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/171121 **NOTICE OF RECORDING/WEBCAST**

The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/171121 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/171121 Apologies were submitted from Cllr Nicky Brennan with Cllr Diane Donaldson as nominee Member. Also, apologies submitted from Cllr Ward with Cllr Phil Davis as nominee Member.

LICENSING ACT 2003 PREMISES LICENCE – REVIEW LUCKY FOOD AND WINE, 58 JEROME ROAD, SUTTON COLDFIELD, B72 1SR

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Chris Jones – West Midlands Police (WMP) Licensing

On Behalf of the Licence Holder

Mr Duncan Craig – Citadel Chambers representing Mr Sanmuganathan Rusikumar - Premises Licence Holder (PLH) & Designated Premises Supervisor (DPS).

Those Making Representations

Paul Ellson – Birmingham Trading Standards, Enforcement Officer
Sharon Watts – Birmingham City Council, Licensing Enforcement Officer
Sue Arnold - Resident

* * *

The Chair introduced the Members and officers present and explained the hearing procedure.

The Chair asked if there were any representations to be withdrawn at this stage. No representations were withdrawn by WMP, Trading Standards and BCC, Licensing Enforcement.

The Chair queried if there were any preliminary points for the Sub-Committee to consider. No preliminary points were made.

The Chair continued to explain the hearing procedure prior to inviting the Licensing Officer, Shaid Yasser, to outline the report.

Shaid Yasser made introductory comments to the documentation and gave a brief overview to the case. The Sub-Committee were advised of the options available for a decision.

The Chair invited the applicant to make their submissions.

Licensing Sub-Committee C – 17 November 2021

Chris Jones made the following points on behalf of the applicant (WMP):-

- a) Friday 20th August 2021 – He had received an email by a local Neighbourhood Officer, PC Bird (pages 4 & 5 of WMP evidence).
- b) He provided an outline to this email:
 - i) He stated, PC Bird had conducted a joint visit with Trading Standard Officers on Monday 16th August 2021 at Lucky Wine & Food, 58 Jermone Road.
 - ii) The visit took place after a member of the public had informed that the premises had sold their 15-year-old daughter alcohol. As a result, she had been hospitalised due to drinking the vodka which she had purchased from the premises.
 - iii) The child's bank transactions were also attached to the email. (page 6 of WMP evidence).
 - iv) This indicated three purchases at the store on three separate occasions - WMP were told they were for alcohol however, the attachments did not indicate the details of the purchases, only the total amount.
 - v) PC Bird outlined information around the visit on the 16th August with Trading Standards.
 - vi) In addition, Trading Standards had received another complaint from a parent approximately 2 weeks prior to this visit. This also stated their underage child had been sold alcohol by the premises.
 - vii) PC Bird detailed the breach on the premises licence – the refusals book had not been filled in correctly and in full.
- c) Statements were provided by PC Bird (pages 7 & 8 of WMP evidence) and a statement from the child's father (pages 9 & 10 of WMP evidence).
- d) He added, at this stage, PC Bird was unable to obtain a statement from the child concerned due to poor health and being in hospital.
- e) He informed the Sub- Committee, PC Bird had explained the reason for the visit to the PLH/DPS – in summary, a 15-year-old girl had purchased bottles of Vodka on three separate occasions.
- f) The PLH/DPS dismissed this by saying, *“some-one else must have come into the shop for her.”*
- g) The PLH/DPS understood the Challenge 25 Policy – anyone who looked under 25 should be asked for ID.
- h) The statement from the child's father, (page 9 & 10 of WMP evidence), was taken over the phone by PC Bird which outlined the age of his daughter, physical and mental health.
- i) The statement explained his daughter purchasing the alcohol and it gave the details of the purchases including details of entries on his daughter's

bank statements. The father included how the alcohol had affected his daughter's life.

- j) The statement indicated details of how his daughter self-harmed on 6th June after drinking vodka in her room. She had purchased this from Lucky Food & Wine. At this stage, she disclosed she had a problem with drinking.
- k) The father informed that his daughter specifically went to Lucky Food & Wine to buy alcohol as *'it was the place to get alcohol to get drink'*.
- l) As a result, the father had visited the shop himself to speak to the owner. There was a male behind the counter and identified himself as the owner. Once the child's father confronted him about selling alcohol to his 15-year-old daughter, the same male immediately denied being the owner.
- m) A month later, following this, PC Bird was able to take a statement from the child who had purchased the alcohol. This statement was taken over the phone as the child remained in Huntercombe Hospital – This was a specialist unit for young people diagnosed with severe or complex mental health conditions, and require intensive, intrusive in-patient treatment.
- n) He informed the Sub-Committee, this statement was taken over the phone where a nurse acted as the child's appropriate adult (page 11 & 12 of WMP evidence).
- o) He read out the child's statement taken over the phone by PC Bird. Key points highlighted from the statement:
 - i) Saturday 5th June 2021 - The child went to the Lucky Food & Wine to purchase alcohol and presented a fake Medical ID to the man behind the counter – (which she obtained online indicating she was 18 years old).
 - ii) The man behind the counter said, *"I have never seen one of these before, you can have it this time, but not next time"* and sold the alcohol.
 - iii) She described the male – Asian, older looking, tall, medium-skinny build, virtually no hair but not quite bald.
 - iv) Next day, 6th June, she the vodka in her room - purchased from Lucky Food & Wines. She damaged her arms by self-harming. She was confronted by her parents about the purchasing the alcohol.
 - v) The girl had stated, she had a lot drinking issues and the alcohol was being purchased from Lucky Food & Wines.
 - vi) As a result, she was taken to hospital and since then she had been to three different hospitals to help with her mental health.
 - vii) She mentioned she had purchased the alcohol from Lucky Food & Wine two weeks prior too which was in line with the bank statements provided.
 - viii) Saturday 22nd May 2021 – The child went to Lucky Food & Wines on her own where the fake medical ID was presented again.

Licensing Sub-Committee C – 17 November 2021

- ix) The man behind the counter said, “*You can have it this time but next time you need a proper ID like a driving licence*” and sold the vodka to her.
 - x) This was the same male who served her on Saturday 5th June 2021.
 - xi) Saturday 29th June 2021 – The child brought some alcohol from the Lucky Food & Wines on her own. Again, the fake medical ID was presented and the male in the shop said, “*That’s fine*” – and sold the alcohol. However, this male was different to previous person. He was in his 30’s, bigger built, with short hair.
- p) The child’s bank statement indicated three purchases from the Lucky Food & Wine;

Transactions:

- Monday 22nd May - £7.98 (Saturday 22nd May purchase) – small bottle of vodka;
 - Tuesday 1st June - £17.99 (Saturday 29th May purchase) – large bottle of Absolute vodka.
 - Monday 7th June - £16.78 (Saturday 5th June purchase) – large bottle of Smirnoff vodka.
- q) The girl had indicated in her statement, other under 18’s had purchased alcohol and cigarettes from Lucky Food & Wine before.
- r) He referred to the two different types of Challenge 25 Policies (pages 13 & 14 of WMP evidence) – both indicated acceptable forms of ID.
- s) He highlighted there was no mention of a medical ID of being acceptable – this would not have hologram or UV feature. Only photographic, pass bearing hologram and date of birth would be acceptable like a driving licence.
- t) He informed the staff were aware of the Challenge 25 Policy, however on all three occasions, they had ignored the policy.
- u) He referred to a map indicating the proximity to the school (attached within the WMP evidence pack). People under 18 had purchased alcohol and cigarettes from this shop.
- v) WMP were concerned around the premises profiting over the licensing objectives of selling alcohol to a vulnerable underage girl.

There were no questions raised by the Sub-Committee.

The Chair invited Paul Ellson, Birmingham Trading Standards to make his representations.

Paul Ellson made the following points on behalf of Trading Standards:-

- a) He appraised the Sub-Committee on the history of this premises and the dealings it had with Trading Standards.

Licensing Sub-Committee C – 17 November 2021

- b) 16th March 2020 – Trading Standards received a complaint from a customer stating their 15-year-old daughter had been served Echo Falls wine and had become drunk. It stated the premises was well known to sell alcohol to minors in the local area.
- c) As a result, the PLH/DPS was sent a warning letter by an officer.
- d) 6th May 2020 – The PLH/DPS was telephoned by that officer. He was reminded to use the refusals book on the premises.
- e) The person who the officer spoke to in the shop, blamed the adults for purchasing the alcohol for the minors and resupplying them outside of the premises.
- f) He found this highly unlikely as this was a small local shop in a residential area where there was a camera outside the premises. This could have happened once, however, steps should have been taken to ensure this did not happen.
- g) 2nd November 2020 – Trading Standards received a complaint from WMP - allegations were being made against the premises – they were not checking ID before selling to minors.
- h) 11th December 2020 – The premises was visited by an officer. This was a relative (nephew) /employee of the PLH/DPS and he was informed of the matter and advised was given by the officer.
- i) The relative (nephew) /employee of the PLH/DPS, blamed the adults for purchasing the alcohol and resupplying this to minors outside the shop.
- j) The refusals log was checked by officers and it was noted this had not been filled in since September 2020. No challenges had been undertaken since that date.
- k) 13th May 2021 – Trading Standards received another complaint from WMP that throwdown - category 1 firework had been supplied to children 7-9 years old. These products were age restricted and could not be sold to anyone under the age of 16.
- l) 26th May 2021 - In response to this complaint, Paul Ellson visited the premises, where the licence holder indicated he was unaware of the age restrictions – Trading Standards understood this as it was an unusual piece of legislation for the product. However, the packaging clearly stated – do not sell to anyone under the age of 16.
- m) He provided guidance on fireworks and underage sales (including alcohol, tobacco sales) and reminded to use the refusals log.
- n) 9th June 2021 – Trading Standards received another complaint from a consumer that his 15-year-old daughter had been sold vodka from the

Licensing Sub-Committee C – 17 November 2021

premises and ended up in hospital. The vodka had been purchased using a bank card. The complaint was followed up by WMP officer (PC Bird).

- o) 30th July 2021 – Trading Standards received another complaint from a consumer. Her 15-year-old son had been sold alcohol and vaping products (E-cigarettes) – with an age restriction 18 years and over.
- p) 16th August 2021 – A joint visit was arranged with Paul Ellson (Trading Standards) and WMP officers to discuss both matters. The PLH/DPS was on the premises and the situation was explained. It appeared the PLH/DPS ignored the information and blamed the adults for resupplying alcohol to the child concerned.
- q) The PLH/DPS was made aware a card sale had been made in the shop however, the PLH/DPS still refused to accept the sale had taken place. A series of questions around the sale was raised by Mr Ellson and the PLH/DPS stated “no other persons worked in the shop”. Later it transpired, at least two other individuals worked in the shop, both family members.
- r) The PLH/DPS stated he regularly challenged customers coming into the shop but did not have time to enter details into the refusals log.
- s) Trading Standard and WMP officers were in the shop for at least 45 minutes, and only 4 people entered during this time, therefore this indicated there was enough time to fill in any challenges into the refusals log.
- t) This was a small local shop with limited stock – mainly sells alcohol. Paul Ellson checked the refusals log and there had only been three entries since the 9th June 2020 visit by officers. None of these were entered by the PLH/DPS but his employees. The refusal log was being used however, not maintained.
- u) A full guidance pack and relevant information was shared with the PLH/DPS. The PLH/DPS reaction was of contempt and showed little understanding of the law despite having several visits and letters. The PLH/DPS chose to ignore them and exercise a complete lack of control on the licenced premises.
- v) Paul Ellson felt the PLH/DPS had breached and continued to breach all four licensing objections and ignored all the constraints and concerns raised by the Authorities.

The Chair invited Sharon Watts, BCC Enforcement to make her representations.

Sharon Watts made the following points on behalf of BCC Enforcement :-

- a) 7th June 2021 – Licensing Service had received a complaint from a member of the public stating on 29th May 2021, their daughter who was 15 years old had been able to purchase vodka on three separate occasions from Lucky Food & Wine.

Licensing Sub-Committee C – 17 November 2021

- b) She informed this had only come to light when the parent had checked their daughters bank statements.
- c) 9th June 2021 – She visited the premises and carried out a licensing act inspection. The DPS/PLH was on site whilst the inspection took place.
- d) As part of the Premises Licence conditions, Condition 2b, it stated CCTV should be retained for a period of 31 consecutive days.
- e) The PLH/DPS was asked for evidence of the recording for 31 days, he was unable to do so.
- f) She informed the PLH/DPS, he was in breach of one of the conditions on his licence and gave him 7 days to rectify the non-compliance. He was issued with a Traders Notice confirming the advice given.
- g) 2nd August 2021, she revisited the premises - (2 months after the initial visit in June). At this visit, Sharon requested to see the CCTV footage and to see if it was recording for a minimum of 31 consecutive days (requirement under the conditions of the licence).
- h) The PLH/DPS was only able to show the recordings for 28 days – this was still in breach of the conditions on his licence and not compliant. As a result of the non-compliance, the PLH/DPS was invited to the Enforcement offices to be interviewed under caution.
- i) 7th September 2021 – Interview under caution took place.
- j) As a result of the interview, Sharon Watts had no confidence the PLH/DPS upholding the licensing objectives.
- k) 23rd September 2021, WMP requested for the premises licence for Lucky Food & Wine to be reviewed hence representations of non-compliance were presented at this meeting.
- l) She felt the PLH/DPS had breached to all four licensing objectives protecting children from harm and prevention of crime and disorder.

The Chair invited Sue Arnold, Resident to make her representations.

Sue Arnold made the following points: -

- a) She had attended the meeting today to support Lucky Food & Wines.
- b) During the lockdown, the shop was a goldmine to residents and the service was professional.
- c) She added, the PLH/DPS was a hard-working person and a man of principle.

There were no questions raised by the Sub-Committee.

At this juncture, the Chair invited Mr Craig to make his representations.

Mr Craig made the following points on behalf of PLH/DPS: -

- a) He had visited the premises on 11 November (Thursday), approximately 1600 hours and he could not speak to the PLH/DPS as it was so busy – children were coming in after school and other customers. As he couldn't speak to the PLH/DPS, he rescheduled the visit for 13 November (Saturday) lunchtime. The PLH/DPS had to close the shop in order to have a conversation with Mr Craig. This was a busy shop in a local residential area.
- b) The PLH/DPS had been at the premises for 5 years.
- c) He referred to his visit at the shop. 25-30% of the shelf space had alcoholic products, long narrow shop, one room (possibly a former house).
- d) He observed the PLH/DPS reaction to serious matters – i.e. the PLH/DPS had the tendency to smile back and that was his reaction to the matter - (possibly smiling nervously, mannerism displayed). The PLH/DPS was taking this situation seriously and disputed comments made by the responsible authorities as this was his business and life.
- e) He referred to Paul Ellson's point around the PLH/DPS misleading him about his wife working – she was not an employee but helped sometimes in the shop when required.
- f) He reflected on the evidence from WMP and Trading Standards – this sat hand in hand.
- g) He drew an analogy to a separate case. He compared this situation to a case related to a massage parlour where complaints were being received however, the complaints should have been in reference to another business in the same building – there was confusion or was it a malicious act. The evidence was not verified and the judge said "I don't know who this person is and no means of verifying who they are" – In relation to Lucky Food & Wine, a statement had been taken, no officer from WMP had met the individual, no officer from WMP had met the father therefore, do not know what the girl looks like, circumstances of hospitalisation, number of options that had not been investigated.
- h) He referred to the witness statement on page 12 of WMP evidence, and prices and purchases – "on my bank statement....." – The PLH/DPS concedes there were two prices in operation for Glens Vodka only. A new batch marked up at £7.89 and sold at £7.49 at times.

The other two products referred to in the evidence were incorrect.

- (Odd price £16.78 for a bottle) when the actual price of Smirnoff Red was £14.99 70cl and Absolute Blue - £20.99.
- 2 out of 3 prices do not accord with logic.

Licensing Sub-Committee C – 17 November 2021

- i) He referred to the fake medical ID – this had not been verified. No testing had taken place around what the person had said. This person was not representing themselves at this sub-committee to give their account - (Limited evidence - than if a test purchase had been undertaken).
- j) He noted there were several complaints to Birmingham City Council which should have been tested.
- k) He referred to the Lucas warning – in which a judge gives to the jury if it was found a defendant had been lying in the course of the investigation or in court. Witnesses may lie for many reasons i.e. shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure which he requested the sub-committee to consider as this girl may have been in trouble with her parents.
- l) He invited the Sub-Committee to question and consider the girls motive as there was no overwhelming evidence to support the allegations – no fail test purchases.
- m) He had checked with Paul Ellson if this had been undertaken at the premises. Paul Ellson had confirmed fail test purchases had not taken place anywhere.
- n) He agreed the PLH/DPS had breached some areas of his licence conditions but not by much. He was amazed an interview had taken place under caution in relation to the breach of the CCTV (i.e. breach of recording for only 28 days rather than 31 days – this was not a catastrophic breach than not to have a recording at all).
- o) He agreed the PLH/DPS had a lack of compliance to the refusal register however, since the visit in August this was being complied with.
- p) He was grateful for the awareness on the fireworks legislation.
- q) He referred to the joint visit on 16th August – PC Bird and Paul Ellson – they undertook an extensive search of the shop – noted, no illicit alcohol or cigarettes were found at the premises.
- r) There were breaches in respect of refusals, CCTV and he suggested a suspension was a proportionate step as there were gaps in the evidence.
- s) The relative/ employee of the PLH/DPS fits the description to the Glens sale - nephew of the PLH/DPS.
- t) He referred to appendix 3 (pages 7 – 11) – read out statements from residents in support of the premises.
- u) He mentioned the PLH/DPS did not accept selling alcohol anyone underage and had no recollection of the girl concerned. Anyone under the age of 25 was checked for ID.

There were no questions raised by the Sub-Committee.

In summing up, Paul Ellson made the following points: -

- He noted comments made by Mr Craig however, there seemed to be an established concept that this premises was a place to go to get underage alcohol.
- He was concerned the possible actions within the shop may have detrimental effect on the lives of people living in the area. The shop provided community service however, there were concerns around the number of complaints trading standards had received and how they were being addressed. Something had to be done because a reputation had been established where people can obtain alcohol.
- Noted the actions the PLH/DPS had already taken in the shop however, his reactions were not what trading standards officers had expected – very dismissive at the beginning.
- The PLH/DPS had not recorded the challenges against the selling of alcohol in the refusals log – this had to be addressed.
- Once a reputation of a business had been affected, it was hard to get this reputation back.
- He recognised a lot of shops had offered support to residents during the lockdown including this premises however, complaints were still being received up until this period.
- After the last incident no further complaints had been received so something had changed.

In summing up, Sharon Watts made the following points: -

- She referred Mr Craig's comments around the breach of the CCTV conditions. She added, on two occasions, the PLH/DPS was committing an offence by breaching the licence conditions albeit insignificant Mr Craig thought they were.
- The PLH/DPS was given advice on the first occasion and following that, the non-compliance should have been rectified. If this had been rectified, there would not be a need for further enforcement action. The advice was ignored, and 2 months later when a revisit was carried out, the PLH/DPS was still not compliant, therefore the matter was escalated.
- She had concerns that the objectives on the licence would not be upheld by the PLH/DPS.
- Trading Standards had received several complaints from different people around selling alcohol to minors and this would need to be investigated as to why people were making these complaints.

At this juncture, it was noted Sue Arnold had left the meeting therefore unable to make closing submissions.

In summing up Chris Jones made the following points in support of the application:-

- He referred to Mr Craig's comment around the people who gave the statements had not been met in person – currently statements for any offence were routinely taken over the phone by officers. Physical meetings were not taking place.
- He referred to the bank statements which do not give the detail of the purchases. It was noted, vodka was purchased from the person who gave the statement however, there could have been other items making the total amounts.
- The statement of the child wasn't taken until 3rd September and purchases were made in June.
- WMP had no confidence in the PLH/DPS was promoting the licensing objectives especially around protecting the children from harm, prevention of crime and disorder and public safety.
- The premises had repeatedly sold alcohol to a vulnerable 15-year-old girl – it was known within her peer group as a place to get alcohol.
- The premises had a challenge 25 Policy which was disregarded by the staff. A fake medical card was accepted even though saying, "they haven't seen a ID like this before,....you can have it this time but not next time...bring proper ID".
- PC Bird had indicated that during the joint visit with Trading Standards, the PLH/DPS did not realise the seriousness of the situation – which was similar to what the father had stated in his statement. When the father confronted the PLH/DPS, he denied he was the owner.
- The premises had systematically sold a 15-year-old alcohol which breached licensing conditions and mandatory conditions.
- The 15-year-old girl self-harmed after purchasing alcohol from this premises which fits in with her bank statements.
- The 15-year-old girls stated she had a drink problem and wanted to get help and this is why she told her parents, WMP and made statements of where she purchased the alcohol.
- She stated, "it was due to the Lucky selling me that I have been able to obtain alcohol which subsequently meant she went into hospital for her mental health."
- WMP requested for the Sub-Committee to consider revoking the licence from this premises.

In summing up Mr Craig made the following points: -

- He confirmed it relative (nephew) /employee of the PLH/DPS who the father of the child confronted and not the PLH/DPS. Therefore, it was correct for the relative (nephew) /employee to say he was not the owner.
- He referred to WMP highlighting there could have been other items purchased in the shop. This was a statement taken by WMP and they should have questioned if other items were bought at that time.
- He accepted statements being taken over the telephone however, there was no way of filtering out any short comings.

Licensing Sub-Committee C – 17 November 2021

- He noted there were various complaints coming from different sources – however, we don't know this? it could be one person making all the calls – no way of establishing this – motive? this was pure speculation.
- He disagreed with BCC Enforcement that the Section 136 had been breached.
- He questioned the evidence as there were gaps – do not know what the girl looks like, mental state, about her father etc – speculating.
- In the absence of other evidence to support what's been said in the statements it was less than likely that what was in the evidence was correct.
- He therefore requested for the Sub - Committee not to revoke the licence and suggested a period of suspension.

The Chair thanked all parties for their attendance.

At this stage the meeting was adjourned in order for the Sub-Committee to make a decision and all parties left the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and the decision of the Sub-Committee was sent out to all parties as follows;

3/171121 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Sanmuganathan Rusikumar, in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield B72 1SR, upon the application of West Midlands Police, this Sub-Committee hereby determines the licence be suspended for a period of fourteen days in order that Mr Rusikumar should take the opportunity to review all practices and procedures, refresh training for all staff, and thereafter resume trading in a manner which is capable of upholding the licensing objectives in the Act.

The Sub-Committee's reasons for suspending the licence are due to concerns raised by Licensing Enforcement relating to compliance with conditions – specifically the failure to retain CCTV recordings for the required number of consecutive days, and failure to maintain a refusals register at the time of inspection. The Sub-Committee considered these matters to be at the middle of the scale in terms of failure.

Submissions were also made by West Midlands Police relating to suspicions about underage sales; however, the Sub-Committee did not find that the evidence presented was sufficient for it to make any determination on the issue of possible underage sales. It was not comparable with the usual standard of 'underage sale' evidence brought before the Sub-Committee, namely test purchases witnessed by Trading Standards officers.

Counsel for the licence holder confirmed that it was not accepted that any underage sales at all had been made, as the shop had a Challenge 25 policy in force. Moreover the Sub-Committee noted the numerous letters of support for the licence holder, submitted by local residents. One such resident even attended the

meeting in person, to confirm her support for the shop directly to the Sub-Committee. This was highly unusual in any Review hearing, and Members considered that these representations showed that the shop was a valued community resource. It was striking that some of the letters confirmed in writing that the shop did in fact verify customers' ages when selling alcohol by retail.

Accordingly the Sub-Committee felt quite unable to follow the Police recommendation to revoke the licence, and instead agreed with counsel for the licence holder that the matter could be dealt with by way of a suspension of the licence. The Members considered that 14 days would be sufficient for the licence holder to review and refresh all aspects of his operating style, such that he could reopen again as a 'fresh start' for the shop.

The Sub-Committee gave consideration as to whether it should modify the conditions of the licence or remove the Designated Premises Supervisor, but was not satisfied, given the limited evidence submitted, that this was necessary.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by counsel for the premises licence holder and by those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

Please note, the meeting ended at 1350.