

Agenda

Licensing sub-committee

Date: **Friday 4 September 2020**

Time: **10.30 am**

Place: **Online meeting only**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Caroline Marshall, Democratic Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Democratic Services on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon

Councillor Paul Andrews

Councillor Terry James

Agenda

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: OVAL WINES AND SPIRITS, 14 THE OVAL, HEREFORD. HR2 7HG CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003	11 - 32
To consider an application for a review of a premises licence in respect of Oval Wines and Spirits, 14 The Oval, Hereford. HR2 7HG called by West Mercia Police as a responsible authority.	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
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- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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If you do not wish to be filmed or photographed, please identify yourself so that anyone who intends to record the meeting can be made aware.

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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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In the event of a fire or emergency the alarm bell will ring continuously.

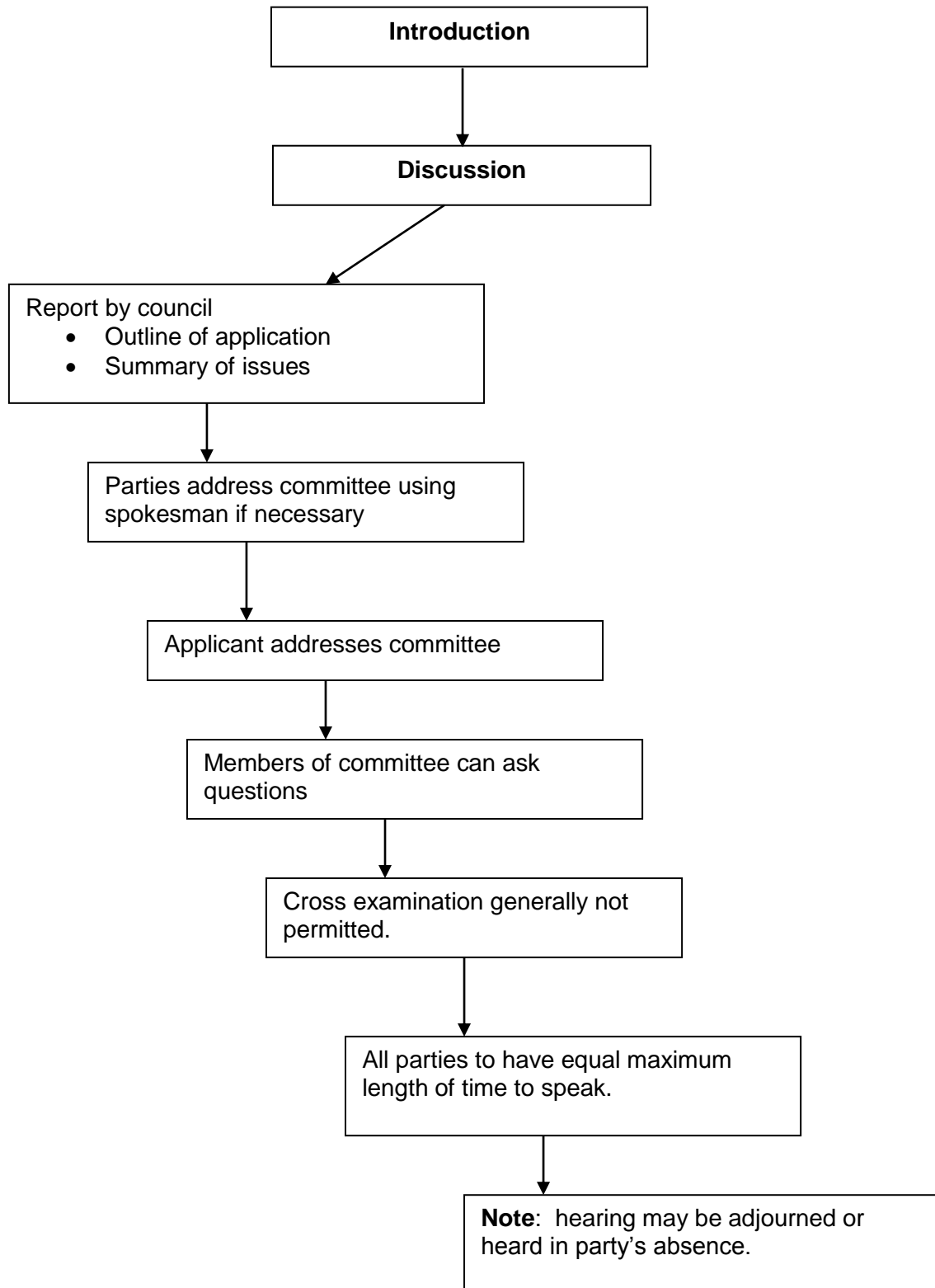
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You should then proceed to the Fire Assembly Point which is located in the Shire Hall Side Car Park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

Licensing Hearing Flowchart





Meeting:	Licensing sub committee
Meeting date:	Friday 4 September 2020
Title of report:	Review of a premises licence in respect of: Oval Wines and Spirits, 14 The Oval, Hereford. HR2 7HG called by West Mercia Police - Licensing Act 2003
Report by:	Licensing Technical Officer

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Newton Farm

Purpose

To consider an application for a review of a premises licence in respect of Oval Wines and Spirits, 14 The Oval, Hereford. HR2 7HG called by West Mercia Police as a responsible authority.

Recommendation

That:

Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- **The steps that are appropriate to promote the licensing objectives,**
- **The licensing authority's application for the review,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties,**
and
- **The Herefordshire Council Licensing Policy 2015 - 2020.**

Options

1. There are a number of options open to the sub-committee in relation to the review:
 - the modification of the conditions of the premises licence;
 - the exclusion of any licensable activities from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

Key Considerations

4. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party
5. The details of the application are:

Applicant	West Mercia Police as a Responsible Authority	
Agent	Not applicable	
Type of application: Review	Date received: 13 July 2020 28 day consultation period started 14 July 2020	28 Days consultation ended 10 August 2020

Summary of Application

6. The application for the review is attached (appendix 1).
7. Copies of the application were sent to the premises licence holder and responsible authorities.

8. In brief West Mercia Police's grounds for the review are:

On Tuesday 19th May at 13:20 hours a male entered a premises known as Oval Wines & Sprints, 14 The Oval, Hereford. HR2 7HG and purchased four (4) cans of lager using a bank card.

The bank card was later reported to have been stolen.

Subsequent enquires undertaken by West Mercia Police established that the alcohol was purchased by a 17 year old using a stolen bank card.

CCTV footage, which was provided by the premises, established the crime and further evidenced that when the purchase was made, the staff member processing the sale of alcohol did not request to see any proof of age identification nor was any produced by the male purchasing the cans.

The transaction is captured on the premises' CCTV and was obtained by West Mercia Police for evidential purposes

Premises History

9. The premises was first licensed in June 2016 as a general convenience store selling alcohol.
10. Since the licence was first issued, there has been three (3) transfer and vary designated premises supervisor (DPS) applications. These were in October 2016, December 2019 and February 2020.

Current Licence

11. The current licence (appendix 2) authorises the following licensable activities during the hours shown:

Sale/Supply of Alcohol (For consumption Off the Premises)

Monday - Sunday 07:00 – 23:00

12. The licence is also subject to a number of conditions which the applicant had agreed to during the 28 day consultation period of the granting the premises licence.

Circumstances leading to the review

13. Subsequent enquiries undertaken by West Mercia Police showed CCTV footage of a 17 year old male purchasing alcohol. The CCTV established the crime and further evidenced that when the purchase was made, the staff member processing the sale of alcohol did not request to see any proof of age identification nor was any produced by the male purchasing the cans.
14. The condition on the premises licence under Annexe 1 (Mandatory conditions) state:

Annex 1 - Mandatory conditions

Age verification

(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 licence 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.

15. The condition under the Licensing Objective, Protection of Children from Harm in Annex 2 states:

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind customer service counter advertising the scheme operated.

15. Due to evidence gathered that the underage sale took place and there being no attempt to challenge the male for identification for proof of age, West Mercia Police launched the review.

Summary of Representations

16. A representation has been received from Trading Standards which supports the review due to intelligence they have received and their representation can be found at Appendix 3.
17. No other representations were received.

Community Impact

18. Any decision is unlikely to have any significant effect on the local community.

Equality duty

19. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
20. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.
21. There are not considered to be any equalities implications arising from this report.

Financial implications

22. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

23. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy.
24. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
25. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
26. In this case it was summed up that: -
- A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
27. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
28. This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:
- 'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'
29. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

30. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—

- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

31. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

31. All responsible authorities and members of the public living within Herefordshire.

Appendices

Appendix 1 - Application for the review of the premises licence

Appendix 2 – Copy of current premises licence

Appendix 3 – Trading Standards representation

Background Papers

None

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **██████████ West Mercia Police**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Oval Wines and Spirits 14 The Oval	
Post town Hereford	Post code (if known) HR2 7HG

Name of premises licence holder or club holding club premises certificate (if known)
Makintha Sethurajah

Number of premises licence or club premises certificate (if known)
PR01725

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address [REDACTED] West Mercia Police Licensing Officer (Herefordshire) West Mercia Police Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

On Tuesday 19th May at 13:20 hours a male entered a premises known as Oval Wines & Sprints, 14 The Oval, Hereford. HR2 7HG and purchased four (4) cans of lager using a bank card.

The bank card was later reported to have been stolen.

Subsequent enquires undertaken by West Mercia Police established that alcohol was purchased by a 17 year old using a stolen bank card.

CCTV footage which was provided by the premises , established the crime and further evidenced that when the purchase was made, the staff member processing the sale of alcohol did not request to see any proof of age identification nor was any produced by the male purchasing the cans.

The transaction is captured on the stores CCTV and was obtained by West Mercia Police for evidential purposes.

Please provide as much information as possible to support the application (please read guidance note 3)

It is a mandatory condition of the license to have in place an age verification policy in place

The premises licence is subject to a number of conditions but those listed below are of particular importance to support this review application and concerning an age verification policy.

It is a mandatory condition of the licence to have in place an age verification policy in place

Annex 1 - Mandatory conditions

Age verification

- (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 licence 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.

Annex 2 - Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind customer service counter advertising the scheme operated.

On Saturday 21st December 2019, Police received a report that the store has sold an energy drink to a child aged 14 years. The minimum age to purchase energy drinks is 16 years, however all major UK manufacturers advise that these products are not suitable for children which they define as under 16 years old

Based on the significant failure, West Mercia Police feels that the committee should suspend the license for the maximum period of three months to allow time for adequate staff training to take place in relation to their age verification policy

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Not applicable

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 7th July 2020

Capacity Licensing Officer West Mercia Police.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application

LICENSING ACT 2003
Part A - Premises Licence

Premises licence number – PR01725 (App to Transfer & Vary DPS)

Part 1 - Premises details

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

**Oval Wines & Spirits
14 The Oval
Hereford
HR2 7HG**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

SALE/SUPPLY OF ALCOHOL – for consumption off the premises

The times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol

Monday – Sunday 07:00 – 23:00

The opening hours of the premises

Monday – Sunday 06:00 – 23:00

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

For consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Makintha Sethurajah

██████████
██████████
██████████
██████████

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

Registered Number: Not Applicable

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

Makintha Sethurajah

██████████
██████████
██████████
██████████

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 – ██████████
Issuing Authority – ██████████

Annex 1 - Mandatory conditions

Age verification

- (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 licence 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.

Below Cost Price

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.

Mandatory conditions where licence authorises supply of alcohol

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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

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. (All existing staff shall be trained within one month of the date that this condition appears on this licence.) All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol.

No open containers will be removed from the premises.

Public Safety**Prevention of Public Nuisance**

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind customer service counter advertising the scheme operated.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**Annex 3 - Conditions attached after a hearing by the licensing authority
Not applicable****Annex 4 - Plans
As attached – received 22.04.2016**

**LICENSING ACT 2003
Part B - Premises licence summary**

**Premises licence number - PR01725 (App to Transfer & Vary DPS)
Premises details**

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

**Oval Wines & Spirits
14 The Oval
Hereford
HR2 7HG**

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

SALE/SUPPLY OF ALCOHOL – for consumption off the premises

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The opening hours of the premises

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

For consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Makintha Sethurajah

██████████
██████████
██████████
██████████

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

Registered Number: Not Applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Makintha Sethurajah

State whether access to the premises by children is restricted or prohibited

The premises shall operate a Challenge 25 Policy

Trading Standards Representation 24.07.2020

Herefordshire Council Environmental Health and Trading Standards are an authorised body under the Licensing Act 2003 and have the responsibility for enforcing the act in relation to under age sales of alcohol, as well as other legislation relating to under age sales of products such as tobacco.

This Department received two complaints regarding underage sales at the premises of Oval Wine & Spirits, 14 the Oval, Hereford, HR2 7HG. The first, received on 2/10/2019, alleged that spirits were sold to an underage member of the complainant's family, the second received from the same complainant on 2/12/2019, alleged that a sale of tobacco had taken place, again to an underage (15 year old) member of the complainant's family. As a result of the second complaint, an advisory visit was carried out by Richard Alsop, Principal Trading Standards Officer on the 4/12/2019. During this visit it was made clear to the staff present, namely the man on duty behind the serving counter and the apparently new owner/manager, of their responsibilities under the Licensing Act, the Challenge 25 condition on the licence and general advice regarding the need to ask for proof of age for all age restricted products including tobacco.

It is with disappointment and concern that we now have actual evidence from West Mercia police regarding the breach of licence conditions and the Act itself on 19/5/2020. This would strongly indicate shortcomings in the management/training of staff at this premises.

Trading Standards therefore support and agree with the application to the committee, that the alcohol licence be suspended for the maximum of three months to allow time for adequate staff training to take place regarding their age verification policy.

Principal Trading Standards Officer

Herefordshire Council

