

**HEREFORDSHIRE COUNCIL**
**REGULATORY COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)**

<b>PREMISES</b>	Gwalia Stores
<b>PREMISES LICENCE HOLDER</b>	Ramanathan Ratheyan
<b>APPLICANT'S NAME</b>	Herefordshire Council
<b>APPLICATION TYPE</b>	Review of Premises Licence
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor GA Powell Councillor Brig P Jones CBE
<b>DATE OF MEETING</b>	18 September 2012 (adjourned from 4 September 2012)

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Jim Mooney, representing West Mercia Police; David Hough, the Principal Trading Standards Officer; Fred Spriggs, the Licensing Officer; together with Ramanathan Ratheyan, the premises licence holder and Designated Premises Supervisor. They also heard a written representation from Robert Jordan, the premises licence holder's licensing advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

- That the License be suspended in respect of all licensable activity for a period of 3 months\*.
- That the current Designated Premises Supervisor be removed from the premises.

That the following additional conditions be imposed forthwith\* upon the licence:-

- A personal licence holder shall be on the premises at all times alcohol is offered for sale.
- 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 equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 1 month of the date of this condition first appears on the licence). Retraining to take place every 6 months thereafter. Training records shall be kept on the premises 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.
- A written 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 and will be reviewed on a weekly basis by the Designated Premises Supervisor and produced to the police or an authorised person (as defined by Section 13 of

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the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

- 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 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. 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 any counter advertising the scheme operated.

### REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, with particular attention being given to paragraph 11.22, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee expressed some surprise that there was no clear trail of written warnings following previous test purchase operation failures.

The Premises Licence Holder's licensing advisor has made offers for other people connected with the shop to obtain a personal licence. He has asked for 2 months to achieve this. The Sub-Committee was mindful of this in making its decision.

The Sub-Committee also felt that in making its decision it was giving fair chance for the premises to continue as a family business in Ross-on-Wye after staff had received training and obtained qualifications.

Finally the Sub-Committee noted that the same Designated Premises Supervisor had been in charge for each of the previous test purchase failures. They considered that the removal of the current DPS reflected this.

### APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

*\* Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or*
- (b) if the decision is appealed against, until the appeal is disposed of.*