



## LICENSING SUB-COMMITTEE

**MEETING** : Thursday, 6th February 2025

**PRESENT** : Cllrs. Norledge, Radley and Simms

### **Officers**

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

### **Also in Attendance**

Store Manager (Wag 3)

Friend of Store Manager

Trading Standards Officer (x2)

**APOLOGIES** : None.

### **12. ELECTION OF CHAIR**

Councillor Radley was elected Chair for the meeting.

### **13. INTRODUCTIONS AND PROCEDURES**

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

### **14. DECLARATIONS OF INTEREST**

Councillor Radley declared a personal interest in Agenda Item 4 (Application/Disciplinary Matter). This was because a close relative currently worked for Trading Standards. However, the family member had no involvement in the case.

### **15. APPLICATION/DISCIPLINARY MATTER**

**LICENSING SUB-COMMITTEE**  
**06.02.25**

**Licensing Officer's Report**

The Licensing officer presented the report, the purpose of which was for members to consider an application to review an existing Premises Licence in respect of WAG 3, 38 Bristol Road, Gloucester, GL1 5SD.

The Licensing Officer highlighted a typographical error in section 4.5 of the officer report.

This section should have read:

“The issues identified which impact on the prevention of crime and disorder are:  
Underage sales of age restricted products and the supply of illegal vapes and failing to provide CCTV.”

*All parties were notified prior to the meeting about the typographical error.*

*No clarity was requested on the report of the Licensing Officer by the representative of the Licence Holder nor the Trading Standards Officer's.*

**Statement of Gloucestershire County Council's Senior Trading Standards Officer**

The Senior Trading Standard Officer noted that the store was situated between an Indian restaurant and a cafe in a popular residential area and that complaints about the store began in Summer 2023 following a suspension of the Licence in July 2021. She noted that under the Nicotine Inhaling Products (Age of Sale and Proxy Person Regulations) 2015, it was illegal to sell nicotine to anyone under 18, and that there were fines up to £2,500 per offence. She said that tobacco regulations required that health warnings covered 30% of the front and back area of packaging and that failure to comply potentially could result in up to 3 months imprisonment and an unlimited fine. She further highlighted that NHS stated that vapes should not be available to children.

She said that on the 29<sup>th</sup> of July 2021, the store licence was suspended for a period of 21 days after a review, that was decided by a previous Licensing Sub Committee. She said that in July 2023, Trading Standards received reports from the police and members of the public that illegal vapes were being sold at the store and were regularly sold to children. She highlighted the following instances that had occurred since.

- 19<sup>th</sup> July 2023. A Trading Standards Officer purchased a VapSoloKing 10,000 Puff Vape which was illegal owing to excessive tank size.
- 25<sup>th</sup> July 2023. An inspection found 476 non-compliant vapes which were seized. The Licence Holder further refused to provide the CCTV and said that the van that delivered the Vapes did not park in view of the camera so would not have appeared on the recording.
- 23<sup>rd</sup> August 2023. A test purchase was carried out. A 15-year-old volunteer was refused on the test purchase. However, a Trading Standards Officer identified further illegal vapes for sale in the premises.

**LICENSING SUB-COMMITTEE**  
**06.02.25**

- 25<sup>th</sup> September 2023. 221 illegal vapes were seized. A written warning was provided to the premises holder.
- 25<sup>th</sup> October 2023. An officer provided information about which vapes were legal to sell, following advice being sought by the store owner.
- 13<sup>th</sup> December 2023. Trading Standards received a complaint from a concerned parent, whose daughter had allegedly purchased vapes and alcohol from the store. The child had stated that Wag 3 was where “all the kids go”.
- 14<sup>th</sup> February 2024. A concerned parent contacted Trading Standards stating that their 12-year-old child had allegedly purchased an illegal vape each from the store.
- 18<sup>th</sup> March 2024. A report was received by the Safeguarding Team at Gloucestershire County Council stating that they had received information that the store was selling vapes to underage children.
- 8<sup>th</sup> April 2024. A parent of a 13-year-old child reported that the shop was allegedly selling vapes to their child.
- 26<sup>th</sup> April 2024. A parent contacted Trading Standards alleging that their 15-year-old daughter had purchased a vape from the store and that the seller was around 14 years old.
- 15<sup>th</sup> May 2024. Following the complaints a visit was conducted by Trading Standards. The Store Manager was informed about why vapes could not be sold to children, that they needed to ask for ID and asked the store for training records and a refusal register. The store did not provide evidence of training. The refusals log had not been updated since September 2023. 74 illegal vapes were seized.
- 29<sup>th</sup> May 2024. A test purchase was conducted. The test purchaser asked the shop worker for a disposable vape and was given two options. He paid for one and left the store. The vape was a 5,000 puff vape marked 0% nicotine but contained warnings not to sell to persons under 18.

*The Vape listed above was brought to the Licensing Sub-Committee to be examined by members if they wished to inspect them*

- 30<sup>th</sup> May 2024 the test purchase was repeated by another purchaser. The 15 year old volunteer managed to purchase a Sike vape. This contained 2% nicotine but had no challenges to age or identification.
- 5<sup>th</sup> June 2024. A letter was sent to Wag 3 informing them that a sale of a vape containing nicotine to a minor had occurred.
- 9<sup>th</sup> July 2024. A visit was conducted by Trading Standards. Questions were asked as to why the sales had occurred. They had been informed that staff members had been trained but did not listen. Trading Standards were shown a log evidencing a pass on a Police test alcohol test. However, on checking the refusal log, this had not been logged.
- 22<sup>nd</sup> July 2024. Trading Standards received a further report of selling illegal vapes to children. It was alleged that the staff member was removing packaging before the sale to make it less obvious about the breaches being made.

**LICENSING SUB-COMMITTEE**  
**06.02.25**

- 11<sup>th</sup> September 2024. 10,000 puff 0% nicotine vapes were found behind the counter. These had been labelled over and on closer inspection were found to be containing 2% nicotine which were illegal due to their size. 70 were seized and on testing, were found to contain Nicotine.
- 29<sup>th</sup> October 2024. During a test purchase, the seller removed the outer packaging from a vape and handed it to the 16-year-old test purchaser with just the plastic, which contained no labelling or usage instructions.
- 5<sup>th</sup> November 2024. The Licence Holder was written to advising him of the failure of the store in regard to the Licensing objectives and was invited for an interview.
- 7<sup>th</sup> November 2024. Officers went to the store to request CCTV around the time of the test purchase. The male behind the counter was only 17 years old. He contacted the Store Manager who attended the store. Both stated that they could not work the CCTV. Trading Standards asked for the Box containing the CCTV. During this, the Store Manager located another box which was not plugged in. The CCTV box was placed in a bag by the Store Owner and handed to Trading Standards.
- 14<sup>th</sup> November 2024. The packaging was opened for inspection by Trading Standards. The passwords provided did not work. The box was a different one to the one that was seized. It was alleged that the Store Owner purposefully switched the boxes.
- 18<sup>th</sup> November 2024. The Licence Holder called the service asking for advice regarding the sales of 0% nicotine vapes. He said that he had told his staff not to sell Nicotine vapes to underage persons or they would face a fine.

The Senior Trading Standards Officer stated that the evidence provided evidenced that the Premises Licence should be revoked by the Licensing Sub-Committee.

The Chair noted that Trading Standards had visited the premises on numerous occasions, she asked if it was correct to state that there were no training records. In response, the Senior Trading Standards Officer replied that this was correct. She said that no training records were provided on any visit and that she was advised that there were no records.

The Chair asked for more clarity about whether packaging had been amended on the Vapes to make it less obvious if they contained Nicotine. In response, the Senior Trading Standards Officer said that the packaging had not been amended, however, in relation to some vapes behind the counter, they were being sold as 0% nicotine vapes but had a sticky label that covered the fact that they actually contained 2% nicotine.

**Statement of the Store Manager**

The Store Manager stated that Wag 3 did have training records, contrary to the statement by Trading Standards. He said that this was explained to the Senior Trading Standards Officer during a visit. He said that the paperwork was at his home premises, not at the store but they did have it. He said that each employee had been trained in full. He said that training was provided both in English and

**LICENSING SUB-COMMITTEE**  
**06.02.25**

Pashto. He said that there was an employee WhatsApp group, where staff members were told about the need to check ID and other training requirements. He stated that Wag 3 had also provided the address of where they purchased stock from. He said that the boxes provided stated that they were 0% Nicotine and that they were unaware of the labelling beneath it. He said that Wag 3 always sought advice and did not repeat mistakes that they had made.

Councillor Simms asked if they bought stock from the same supplier after it was confirmed that they had sold 2% Nicotine Vapes, with a 0% label over it. The Store Manager replied that they did not.

Councillor Simms asked how long did the training for staff last. The Store Manager replied the staff received a couple of weeks training.

Councillor Simms asked how Wag 3 evidenced that the staff had understood the training. In response, the Store Manager stated that they had to tell the Store Manager and Licence Holder all information they had learned.

Councillor Simms asked if the Store Manager had brought in evidence of training records, that he stated had been shown to Trading Standards.

*The WhatsApp message was shown to the Sub-Committee. However, as the evidence was a voice recording that was in Pashto and could not be translated, it was deemed inadmissible.*

The Chair asked why there was a discrepancy between what Trading Standards had said in relation to training records, compared to their statement. She asked if the records had been shared with the Trading Standards Team. In response, the Licence Holder stated that he shared the WhatsApp group messages with the Trading Standards Team. He said that the Paperwork was not shared, as it was at the Licence Holder's home.

The Chair asked if they took the training records at the Licence Holder's home to Trading Standards. In response, the Store Manager stated that the paperwork was not sent to them.

Councillor Simms asked if they had evidence, including signatures that they had been fully trained.

Councillor Simms asked the Trading Standards Officer, if Wag 3 representatives had shown them any WhatsApp messages in relation to training. In response, the Trading Standards Officer stated that they had been shown an audio WhatsApp message, but that she had a similar issue in that it was in Pashto and that she could not translate it. Further, no physical copies had been provided.

The Chair asked what happened to the CCTV footage and why it was not made available. In response, he stated that he did not know how Trading Standards had mixed the two boxes up. He said they left one and took another. He said that the Licence Holder was upset when he found out that the CCTV footage had been taken as they had not returned it previously when they had previously taken some.

**LICENSING SUB-COMMITTEE**  
**06.02.25**

He said that the Licence Holder sacked the staff members who had made mistakes.

**Officer Sum Up**

The Licensing Officer outlined the options available to the Sub-Committee, listed in paragraph 7.4 of the report.

**Gloucestershire County Council's Senior Trading Standards Closing Statement**

The Trading Standards Officer noted that all evidence had been given during her initial statement. She added that Trading Standards were considering prosecution but that a decision had not been made.

**Store Manager Closing Statement**

The Store Manager stated that some of the employees had made a mistake. He said that the Licence Holder had sacked staff when they broke the rules. He said that Wag 3 stopped purchasing from the supplier who had provided them falsely labelled Vapes. He said that whenever a mistake was made, Wag 3 did not make it again.

**The Decision**

**Hearing**

The meeting comprised of Councillors Radley, Norledge and Simms. The panel heard from the Licensing Officer, Representatives of Trading Standards, and the Store Manager.

**Legal Matters**

The Licensing Sub-Committee had due regard to the promotion of the four Licensing Objectives, the National Guidance (Section 182, Chapter 11), the Council's own Licensing Policy Statement and all relevant submissions.

**Decision**

**The Licensing Sub-Committee RESOLVED to REVOKE the licence.**

The reasons for this decision were as follows:

- To take no action was not appropriate. This was because there was a serious ongoing pattern of behaviour. The premises had not learned their lesson after their 21-day suspension in 2021.
- Issuing a formal warning was not appropriate. Trading Standards had done so on numerous occasions, and this had not had the desired impact.
- To modify the conditions of the Licence was not appropriate. There were no conditions that could be added, as the Licensing Sub-Committee had no faith that these would be abided by.

**LICENSING SUB-COMMITTEE**  
**06.02.25**

- Excluding a Licensable Activity from the scope of the licence was inappropriate. This was because it would not solve the issues created by the store, which had led to the review.
- Removing the Designated Premises Supervisor (DPS) was not appropriate. The fact that the DPS is not taking this review seriously enough to attend the committee has no faith that by removing the DPS and bringing in a new one would solve the issues at this premises.
- Suspending the Licence was not appropriate. This had happened previously in 2021 and did not have the desired outcome.
- Therefore, it was deemed appropriate to revoke the licence for the following reasons:
  - Safeguarding was a large issue.
  - There was a pattern of not promoting the licensing objectives of the prevention of crime and disorder and the protection of children from harm.
  - There had already been a 21-day suspension at the premises in 2021.
  
  - There had been numerous failed test purchases.
  - The Sub-Committee had no confidence in the Licence Holder.
  - Wag 3 had not listened to any advice offered on numerous occasions by Trading Standards.
  - They had bought vapes in bulk with no due diligence.
  - Having no CCTV breached the conditions of their licence.
  - The store left a 17-year-old in charge of a store with an alcohol licence.
  - They did not operate a Challenge 25 Policy.
  - They had not kept an up-to-date refusal log.
  - They had no evidence of an initial or regular training log.
  - They were offered paid training by Trading Standards and turned this down.
  - The Sub-Committee had no faith that the Licence Holder would change how the store operated. Nothing was said by the Store Manager to give the Sub-Committee belief that these matters would change or that they even took them seriously.

The Licensing Conditions had been severely undermined and the only way to promote them, was to revoke the licence.

**Right of Appeal**

All parties were reminded that there was a right to appeal to the local magistrates' court within 21 days of the decision.

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 7.40 pm hours**

**Chair**