

# Gloucester City Council

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| <b>Meeting:</b>         | <b>Licensing Sub-Committee</b>  | <b>Date:</b> 17 <sup>th</sup> August 2017 |
| <b>Subject:</b>         | <b>Application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for One Stop Shop, 107 Southgate Street, Gloucester, GL1 1UU</b> |   |
| <b>Report Of:</b>       | <b>Corporate Director of Services and Neighbourhoods</b>  |   |
| <b>Wards Affected:</b>  | <b>Westgate</b>   |   |
| <b>Contact Officer:</b> | <b>Darren Brice – City Centre Improvement Officer</b>   |   |
|                         | <b>Email: Darren.Brice@gloucester.gov.uk</b>  | <b>Tel: 01452 396308</b>                  |
| <b>Appendices:</b>      | <b>1. Premises Licence</b>  |   |
|                         | <b>2. Location plan</b>   |   |
|                         | <b>3. Application for review from Gloucestershire County Council Trading Standards</b>  |   |
|                         | <b>4. Statement from Trading Standards Officer</b>  |   |
|                         | <b>5. Revised Guidance issued under Section 182 of the Licensing Act 2003 (Chapter 11)</b>  |   |
|                         | <b>6. Extract on reviews taken from Statement of Licensing Policy (2016 – 2021)</b>   |   |

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

1.1 For members to consider an application to review an existing Premises Licence in respect of One Stop Shop, 107 Southgate Street, Gloucester, GL1 1UU.

### 2.0 Recommendations

2.1 That the Licensing Sub-Committee considers and determines the review application and takes such steps as it considers appropriate for the promotion of the Licensing Objectives.

### 3.0 Background

3.1 One Stop Shop is a small convenience store located in Southgate Street. It has the benefit of a Premises Licence for the retail sale of alcohol since 12<sup>th</sup> October 2011. The existing Premises Licence is attached as **APPENDIX 1**.

3.2 A location Plan is attached in **APPENDIX 2**.

3.3 Section 51 of the Licensing Act 2003 states that where a Premises Licence has effect, 'Other Persons' or a 'Responsible Authority' may apply to the relevant Licensing Authority for a review of that licence.

3.4 In respect of an application from a Responsible Authority, the Licensing Authority may only reject the application if the grounds are not relevant to one or more of the Licensing Objectives.

#### **4.0 The Application**

4.1 On 18<sup>th</sup> July 2017, the Licensing Team received an application by Robert Cardew of Gloucestershire County Council Trading Standards Service to review the Premises Licence at One Stop Shop, 107 Southgate Street, Gloucester, GL1 1UU. A copy of the review application is attached as **APPENDIX 3**.

4.2 The application contained all the requisite documentation.

4.3 It can be confirmed that the review application has been served on all Responsible Authorities. In addition, the application was advertised on Gloucester City Council's website and a Public Notice of the review was displayed at the premises for a period of 28 consecutive days.

4.4 The review application states that the following Licensing Objectives have been undermined:-

- The Prevention of Crime and Disorder.

4.5 The Premises is currently licensed for Retail Sale of Alcohol for the following days and times:-

- Monday to Thursday 08:00 to 23:00
- Friday to Sunday 08:00 to 24:00

4.6 Once the review application has been received. The Premises Licence holder (Mr Osanlou) was contacted and made aware of the review application from Trading Standards. Mr Osanlou stated that he was out of the Country and I made him aware that a copy of the review application would be taken to the premises and the blue public notice would be displayed for a period of twenty eight days. Mr Osanlou was made aware of the end of consultation date.

4.7 Following the review application, the Licensing Team received an application to transfer the Premises Licence holder and also vary the Designated Premises Supervisor. This was received on 24<sup>th</sup> July 2017.

4.8 The application was processed as per the Licensing Act 2003 as no objections were received by the Police. This was granted on 27<sup>th</sup> July 2017 and the new Premises Licence holder and Designated Premises Supervisor is Mr Saman Kakalai.

4.9 For Members ease, the two changes made to the Premises Licence are the name of the Premises Licence holder from Mr Saied Osanlou to Mr Saman Kakalai and the Designated Premises Supervisor from Mr Bahram Jafari to Mr Saman Kakalai. All the Licensable Activities remain the same.

4.10 Trading Standards were informed about the application to transfer the Premises Licence and to vary the Designated Premises Supervisor to the name of Mr Kakalai.

4.11 Following the changes, Trading Standards still wished to proceed with the review application of the Premises Licence as they had information with regards to Mr Kakalai. This was following previous seizures and visits to the premises. An additional statement was provided by a Trading Standards Officer. A copy of the statement is attached as **APPENDIX 4**.

## **5.0 Representations**

5.1 None of the other Responsible Authorities responded to the review application.

## **6.0 Financial Implications**

6.1 There are no direct financial implications associated with this report.

## **7.0 Legal Implications**

7.1 The Sub-Committee is obliged to determine this application with a view to promoting the four Licensing Objectives which are:-

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from harm

7.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance (Section 182, Chapter 11) **APPENDIX 5** and the Council's own Licensing Policy Statement **APPENDIX 6**.

7.3 The Sub-Committee must also have regard to the contents of the application and the representations made both in support of, and against, that application and give appropriate consideration to all of the evidence presented.

7.4 The Sub-Committee must consider whether or not it is appropriate to take further steps to promote the Licensing Objectives. If it considers that some form of action is appropriate then it may take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:-

- a) take no action;
- b) issue an informal warning to the licence holder and / or recommend improvement within a particular period of time;
- c) to modify the conditions of the Premises Licence (which includes adding new conditions or any alteration of omission of an existing condition);
- d) to exclude a Licensable Activity from the scope of the licence;
- e) to remove the Designated Premises Supervisor;
- f) to suspend the licence for a period not exceeding three months; or
- g) to revoke the licence

7.5 In deciding what, if any, steps to take the Sub-Committee should, so far as possible, seek to establish the cause or causes of the concerns that the representations identify and should try to ensure that any remedial action taken is directed at these causes and is no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

7.6 Where an application for a review of a Premises Licence is decided under Section 52 of the Licensing Act 2003, an appeal may be made against that decision by:-

(a) the applicant for the review,

(b) the holder of the Premises Licence.

7.7 These parties may appeal against the decision, to the Magistrates Court within 21 days of being notified of the decision.

7.8 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until the disposal of the appeal.

(One Legal have been consulted in the preparation this report.)

## **8.0 Risk & Opportunity Management Implications**

8.1 There is a right of appeal to the Magistrates Court for both the applicant and the Responsible Authority. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

## **9.0 People Impact Assessment (PIA):**

9.1 The Screening Stage considered risks to licence holders in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

9.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **10.0 Other Corporate Implications**

### Community Safety

10.1 None

### Sustainability

10.2 None

### Staffing & Trade Union

10.3 None

**Background Documents:** Licensing Act 2003  
Licensing Act 2003 (Hearings) Regulations 2005  
Gloucester City Council Licensing Policy Statement  
Home Secretary (Home Office) Guidance issued under  
Section 182