

Gloucester

City Council

Meeting:	Licensing Sub-Committee	
Date:	30 March 2021	
Subject:	Application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Wellington Store, 24-26A Wellington Street, Gloucester, GL1 1RD	
Report Of:	Head of Place	
Wards Affected:	Westgate	
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Appendices:	1. Premises Licence 2. Application for review from Gloucestershire Constabulary	

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 Wellington Store, 24-26A Wellington Street, Gloucester, GL1 1RD.

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 The Wellington Store currently benefits from a Premises Licence issued under the Licensing Act 2003. A copy of the current licence can be seen attached as **Appendix 1**. The licence outlines the current licensable activities along with the current conditions.
- 3.2 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.

3.3 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 12 February 2021, the Licensing Authority received an application from Gloucestershire Constabulary to review an existing Premises Licence at The Wellington Store, 24-26A Wellington Street, Gloucester, GL1 1RD. A copy of the review application plus supporting documentation submitted by the police is attached as **Appendix 2**.

4.2 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.

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

- The Prevention of Crime and Disorder, and
- Protection of Children from Harm.

4.4 The review application has been completed by PC 1156 Hammond, a police licensing officer, on behalf of Gloucestershire Constabulary and details a number of issues which have led to the application to review being submitted.

4.5 The issues identified which impact on the prevention of crime and disorder are, failure to adhere to the conditions on the licence in relation to;

No incident recording book.

No Refusals recording book.

No Staff training log book or details.

Test purchase failure on 20/06/17 & 11/07/19 (16yr old purchased alcohol).

Breach of licence by selling beer/cider above the 7.4% ABV limit imposed on 20/6/17, 23/7/19 & 07/11/20 & 28/11/20.

A serious offence of Handling stolen property occurred on the 24th January 2021 where a member of staff purchased stolen goods and placed them in the premise stock room.

4.6 The issues that impact on the protection of children from harm are that the premises has failed 2 x underage test purchase operations over the last few years namely 20/06/17 & 11/07/19 and also an incident involving a vulnerable male aged 17 yrs old purchasing and consuming alcohol on 14/08/20.

4.7 Full details of the issues identified and police actions are detailed in the review application at **appendix 2**.

4.8 Ms Alendina Nagendram is the current Premises Licence holder and Designated Premises Supervisor and details of this review have been delivered to the premises and also her last known address.

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 attached to the recommendations in this report. However, Members are advised that Ms Nagendram or the person making the application to review the Premises Licence has a right of appeal against any decision made by the Licensing Sub-Committee. At any such appeal costs may be awarded against the Council on a successful appeal if the Council has not acted reasonably.

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) and the Council's own Licensing Policy Statement.

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