

Decision Schedule



Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 7 August 2018

The Licensing Sub-Committee took the following decisions on 6 August 2018, which became effective immediately.

Councillors D Davies (in the Chair), H Thomas and M Cornelious

LICSUB 07/18

Decision

Baneswell Express, 8 Baneswell Road, Newport, NP20 4BP

In reaching its decision the Licensing Sub-Committee had taken into account the statutory Licensing Objectives, in particular the Prevention of Crime and Disorder and Prevention of Public Nuisance, the Council's Statement of Licensing Policy and the guidance issued under Section 12 of the Licensing Act 2003.

Having carefully considered the application and the evidence given and the representations made by the Premises License Holder Afran Sabir and by his Legal Representatives and the evidence given by the Licensing Authority, the Sub-Committee decided to vary the conditions of the Premises Licence for Baneswell Express.

The Sub-Committee especially noted the breaches of licensing conditions set out in the report and especially the breaches that had occurred since the last review of the license in 2016. These included several instances of "after hours" sales late in the evening and also smoking within the premises. On all these occasions Mr Mohammed Sabir was the only person working at the premises. Whilst Mr Mohammed Sabir described himself as a shop assistant, it appeared to the Sub-Committee that he had much more influence and involvement in the business and significantly that his son Afran Sabir was unable to control the actions of his father Mr Mohamed Sabir so that he complied with the licensing conditions. This was especially so when Mr Mohammed Sabir was running the store alone in the evening. The Sub-Committee were also concerned that in 2017 the store had been selling the psychotropic substance Nitrous Oxide or "laughing gas" illegally at the premises.

As a result, it was necessary for the Sub-Committee to remove Afran Sabir from his position as the Designated Premises Supervisor (DPS). The Sub-Committee also accepted the concession made by the Mr Afran Samir that his father Mr Mohammed Sabir would not work at or be present at the premises after 18:00 hours. The conditions on the Premises Licence for Baneswell Express were therefore varied to promote the licensing objectives of the prevention and detection of crime and disorder and public safety to

include these matters and the other amendments requested by the Licensing Authority in the report as follows:

- Arfan Sabir is removed from his position as the Designated Premises Supervisor (DPS) from the licence.
- Mr Mohammed Sabir must not work at or enter the premises between the hours of 18:00 and 05:00.
- The DPS must be present on the premises on Fridays and Saturdays and Bank Holiday Sundays between the hours of 22:00 and 23:00. If the DPS is not able to be present on the premises on a Friday and Saturday and Bank Holiday between 22:00 and 23:00 hours, a minimum of two personal licence holders must be employed at the premises for these periods.
- All alcohol to be located within fully enclosed lockable cupboards/fridge units.
- All units must have full covers in place so that all alcohol can be entirely covered and all units must be locked between 23:00 and 08:00 hours. Or from 22:00 hours when the DPS was not present or when there were less than two personal licence holders on the premises.
- No alcohol must be visible through the shutters.
- All units must be covered by CCTV and display clear and prominent signage which stipulated that there was no sale of alcohol between 23:00 and 08:00 hours.
- All bags provided to and/or purchased by customers in order to carry the items purchased from the Baneswell Express shop premises must be fully transparent between 23:00 and 08:00 hours, thereby not concealing the contents of the carrier bag.
- Fully documented staff training, to include training on the premises licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them.
- A further CCTV camera must be installed to the satisfaction of the Licensing Authority to clearly identify items being passed through the "hatch" of the premises.

Consultation

Implemented by: 6 August 2018

Implementation Timetable: Immediate
