

Representation

It is not disputed that any facts as presented to the Hearing by any of the Authorities Officers is in any way wrong. It is a fact that the owner of the shop has failed in his duty to be more diligent in monitoring the staff member that had worked at Mr Shahzad's shop during the period of 10 or more days that he was employed.

He is embarrassed that the Authorities have considered it necessary to apply for revocation of his Premises Licence as he has only held the Premises Licence for a period since September 2020.

The advance warning letter in October 2021 is acknowledged and not disputed, however not received by Mr Shahzad.

The attendance of the Licensing Officer on 23rd November is also acknowledged and following that visit, Mr Shahzad immediately retrained the staff member in all the areas of concern that were raised by that Inspection. Mr Shahzad is willing to address the Licensing Sub Committee to that fact.

Mr Shahzad was furious to learn of the Failed Test Purchase BY THAT SAME Staff member on 25th November 2021.

Mr Shahzad is able to give evidence that he dismissed that employee for Gross Misconduct for having put the Premises Licence in immediate risk by his actions in Contravening Licensing Law.

Mr. Shahzad had an honest belief that following the processes of returning the questionnaires as sent by the Officers that he was meeting the awkward circumstances he finds himself in, by responding openly and honestly and seeking advice and direction from the Authorities to put his house in order.

No disrespect was intended that he found that he was subjected to two follow up visits in January and he has put all the raised points' right since as it was difficult to get people to attend re the CCTV or to get the right advice in the interim period.

He believed he was working to address the concerns and was shocked to receive the Review Notice. In fairness it is accepted that he should have acted earlier and been more communicative with the Authorities to provide proof he took everything seriously.

He gives evidence:

The licensing officer visited us on 18th of January 2022. He came back on 31st of January 2022.

Licensing Inspection sheet instructions:

1. *CCTV installed in accordance with Home Office guidance.*
Officer suggested that customers should not be able to see the camera monitor when they enter the shop but he was not sure if this is the Home Office requirement. We did not find anything in guidance that would support these suggestions. During his second visit officer said that he still do not know if his suggestions about camera are correct.
2. *Hard drive not available - secured under the ceiling.*
Previously there was a need to remove part of the ceiling to place the usb and download camera records. I changed it. Now usb entry is just behind the monitor. Officer asked about

it on second visit but I do not know if he understood me properly that I have done it according to his suggestions.

Picture attached.

3. *Images retained for 28 days.*

We have changed the hard drive so images are retained for required 31 days. Officer asked about it on second visit.

Proof of sale of hard drive attached.

4. *No training records for staff.*

I had previously a form for every employee to sign confirming that they were trained.

Now I updated training. Officer saw the training on second visit.

Training attached.

5. *Significantly more than 20% of sales area taken by alcohol display.*

We removed some of the alcohol from top shelves and placed over there boxes with sweets. Officer said that he does not know exactly how to count 20% of the shop. However, we measured all the shelves and showed him our calculations when he came back (second visit). He appreciated our effort and suggested another way of counting the shop. He also stated again that he is still not sure how to count 20%.

Suggested counting of 20% of the alcohol in the shop – attached

Shop pictures (shelves with and without alcohol) - attached

6. *No incident log.*

I printed incident log book and run it as required. Officer saw that on second visit.

Incident log book - attached

7. *No return policy for alcohol delivered by Deliveroo.*

Deliveroo takes the responsibility to check the ID when they deliver alcohol or tobacco. They state in their terms and condition what do they do with it when someone does not have an ID. This are general terms & conditions for whole country.

I said to officer (on second visit) about general terms & conditions of Deliveroo and offered that I can stop doing Deliveroo. He replied that he does not want us to loose any business and that he will investigate it further with the company.

<https://riders.deliveroo.co.uk/en/delivering-alcohol> - Terms & Conditions

Deliveroo terms & conditions attached

8. *Staff member not trained or capable of using CCTV / Download images.*

CCTV training is included in an updated staff training that we attached below.

Whenever police asked for our camera record,

I always sent it with no delay on their email or What's up.

9. *Premises license Part A and Part B kept on site.*

We had a premises license on the mobile phone. However, I printed it out and it is kept now in store. Employees are aware where it is. Officer saw it on second visit.

Photo attached

10. *No sign requesting customers to respect neighbours when leaving.*

I put such sign on the front door. Officer saw it on second visit.
Photo attached

All the documents:

- Premises license
- Incident log book
- Refusal book
- Staff training

are kept next to the till in red file available for every employee and any authority that requires it.

Photo attached

11. When licensing officer visited us second time he mentioned as well that plan of our shop does not cover the plan that we submitted with application for premises license. He said that we should apply for a minor variation to our premises license.
We applied for minor variation to premises license and ref. number of our application is:

After each visit licensing officer said that I will get a confirmation about his visit through email for my record but I have never received it – not after first or second visit.

We have followed all the suggestions that licensing officer left with us during his first visit. He seemed to be satisfied from our work during the second visit.

There were some of the points that we had to improve to correctly follow requirements of Premises License. However, we are a young business and we have done our best to follow all the suggestions from licensing officer to ensure that we don't sell alcohol or tobacco to the person under 18 years old.

We have never been informed previously about our staff selling alcohol or tobacco to the person under the age of 18. We also never received a visitation from council or police.

Calculation of 20% of the shop suggested by licensing officer during second visit.

Shop capacity:

Width of the shop: 4.1m

Length of the shop: 12.1m

Height of the shop: 2.8m

$$4.1\text{m} \times 12.1\text{m} \times 2.8\text{m} = \mathbf{138.908\text{ m}^3}$$

Shop total capacity is 138.908 m³.

Shelves with alcohol - capacity:

Shelves on the left side/ wall

L: 8.15m

H: 2.75m $8.15\text{m} \times 2.75\text{m} \times 0.3\text{m} = 6.723 \text{ m}^3$

W: 0.3m

Shelves in fridge:

L: 3.75m

H: 1.9m $3.75\text{m} \times 1.9\text{m} \times 0.37\text{m} = 2.636 \text{ m}^3$

W: 0.37m

Shelves opposite entrance

W: 0.3m

L: 0.65m $0.3\text{m} \times 0.65\text{m} \times 1.6\text{m} = 0.312 \text{ m}^3$

H: 1.6m

$$6.723 \text{ m}^3 + 2.636 \text{ m}^3 + 0.312 \text{ m}^3 = \mathbf{9.671 \text{ m}^3}$$

Shelves with alcohol capacity: 9.671 m³

138.908 m³ – 100%

X - 20%

20% = 27.78 m³

20% of the shop is 27.78 m³. Our shelves with alcohol takes only 9.671 m³ (7% of the shop). It is less than 20% of the shop and it means that we meet the requirement from the premises license.

In summary:

The Options that The Licensing Sub Committee are being asked to consider have been limited to a Full Revocation of the Premises Licence.

I respectfully submit that consideration should be given to all four alternative measures for dealing with the breaches that have occurred.

1. Formal Warning Letter
2. Removal of the Designated Premises Supervisor
3. Suspension of the Premises Licence for a period of Three Months
4. Full revocation of the premises Licence.

I politely request that the Committee consider one of the alternative sanctions against Mr Shahzad as he was not present at the time of the sale under age as a Test Purchase and though other breaches of Licensing Conditions have been found, that the Authorities could assist Mr Shahzad's relatively new business be guided in the right direction and with a proper Management Policy which has been forwarded by me, as well as formal licensing Re-Training for all staff as well as Mr. Shahzad, he could prove himself to become a valued member of the community supporting the Licensing Objectives, which prior to the sale by the staff member, he was.

My proposal is for the Committee to apply a lesser penalty to ensure all relevant training, conditions on licence are complied with and help and guidance is given sufficiently to allow this young man and his young family, to properly serve the Community with the controls and guidance remaining in place for future supervision and accountability. They have tried to start this business at the hardest of times during the pandemic and the instability of all that it involved caused Mr Shahzad to take his eye of the ball in placing trust in an employee who betrayed that trust.