

WEST DUNBARTONSHIRE COUNCIL

Licensing Standards Officers Report

Licensing Board Review Hearing: 16 August 2011

Premises: WDLBPREM 0187

Address: 148 Montrose Street, Clydebank G81 2PE

Premises Licence Holder: Mrs Tubassum Akbar

Designated Premises Manager: Mrs Tubassum Akbar

Introduction/Background

This report is provided under section 38 (4) (a) of the Licensing (Scotland) Act 2005 following a request for a review of the premises licence from Strathclyde Police. The content of this report is restricted to the compliance history of the above premises in terms of the above legislation and its associated regulations plus any relevant information from within the Regulatory Services section.

Premises History

As the Licensing Board Members will be aware, these premises have been the subject of a review hearing previously. On the 30th March 2010 Mrs Akbar appeared in relation to a sale to a young person who was acting as a test purchaser on behalf of Strathclyde Police. As you will recall, this hearing was disposed of by way of a 6 weeks suspension of the Premises Licence.

Please find below an abridged history of these premises.

- **4/10/2008** – The premises failed a test purchase operation. A warning letter was issued on behalf of the board.
- **04/08/09** – Mrs Ackbar was reported to the Procurator Fiscal following a failure of a tobacco test purchase. Information received from trading standards indicates that on the 7 February 2010, the Licence Holder was found guilty of an offence under section 18 of the Children and Young Persons (Scotland) Act 1937. The Licence Holder was fined £750.00
- **21/09/2009** – A compliance inspection found that the premises were not compliant in the following areas:
 1. The CCTV system did not retain images for the time period specified in the Board's policy
 2. Staff training certificates were not available for inspection.
 3. The Section 110 notice was not on display
 4. The Premises Licence was not on display.

- **13/11/09** – A revisit to assess the progress with the previous inspection appeared to show that the premises was fully compliant
- **27/11/09**- The premises failed a further test purchase operation. The License holder was unable to supply a training record for Mr Waralala, the staff member who made the sale.
- **16/03/10** – A further compliance visit showed that the premises was not fully compliant, in that Mr Akbar had failed his Personal Licence course, and as such he was working in the shop without holding either a Personal Licence or a Certificate of Staff Training. Mrs Akbar was advised that her husband should not be involved in the sale of alcohol until such time as he was trained.
- **30/03/2010** – The Board suspended the licence for a period of 6 weeks following a breach of the Preventing Crime and Disorder objective, namely the second failed test purchase operation which took place on the 27/11/09
- **15/02/10** – The Premises was issued with a compliance notice after the Licence holder failed to pay the annual fee relating to the licence. Payment was forthcoming thereafter.

Current Issues

On Friday 25th May 2011, Police witnesses observed a male leaving the premises with a blue bag. The Police Officers suspected that this male was not 18 years of age and subsequent enquiries revealed that the youth was indeed only 16 years old. Following this, a request to review the licence was submitted by Strathclyde Police.

An inspection was carried out on Monday 1 August 2011 to assess the premises compliance in advance of the review hearing to which this report relates. The premises were found to be mostly compliant, however the following issues were found.

1. No training record for the member of staff who sold to the young person (Mohsam Mamood) was available for inspection
2. No training record was available for the other members of staff, namely Mr Akbar and also Shafeek Samoo. It should be noted that training records for these two persons (Mr Akbar & Mr Samoo) had been shown to Licensing Officers in the past. However the Staff Training requirement specifies that training records should be kept on the premises, therefore whilst the training is complete for the members of staff specified, the premises is not fully compliant with the requirement.

Further to this, an inspection of the premises refusal book showed that the majority of refusals which had taken place in the premises were carried out by an individual called Waseem Akbar. Mrs Akbar indicated that this was her son, and stated that he was only working in the premises on a temporary basis; however he had been

making refusals since 27/1/2010. Mrs Akbar then admitted that he son had been working in the premises without being trained.

Matters Relating to Age Related Sales

The premises reports that it only accepts Passports and Photo-card Driving Licences, and this is supplemented by a Challenge 21 Policy. There is signage on display in the premises relating to a challenge 25 policy; however there was no evidence to confirm that there is indeed any proof of age policy in operation at this time.

The premises operate a refusals book, and it does appear to be filled out regularly, with an average of 3 or 4 refusals per weekend.

Officers Comments

Following the Board Hearing on the 30 March 2010, the premises was instructed to liaise with the Licensing Standards Officers, an extract of the minutes of this meeting reads:

“Following discussion and having head the Clerk to the Licensing Board in answer to members’ questions the Board agreed:-

(1) to suspend the licence for a period of 6 weeks and advised that, during this period the premises licence holder should liaise with the Licensing Standards Officers to ensure that the premises are fully compliant with the legislation; “

This instruction was further communicated during a visit to the premises by Peter Clyde and Sergeant Calum Fulton (the licensing sergeant at that time). It was also communicated that West Dunbartonshire Council was planning some initiatives which may be helpful to Off-Sales premises and this service was offered to the Licence Holder. No further communication was forthcoming from the premises. Indeed no pro-active requests for advice have ever been forthcoming from these premises, outwith information relating to the previous review hearing.

The Licensing Board should also further note that during the visit on 1 August 2011, Mrs Akbar was not aware where important paperwork relating to the operation of the premises licence was stored, and frequently had to ask the member of staff present (Shafeek Samoo) where items such as staff training records and personal licences were stored within the premises. This would lead me to ascertain from this incidence and other indicators that Mrs Akbar’s involvement in the management of the premises is limited. Mrs Akbar confirmed that she does not spend much time in the premises due to family commitments.

Finally, it is with disappointment that I note that despite this premises having had many issues relating to staff training, and having previously received extensive advice on this matter both from the Licensing Officers and Strathclyde Police no

progress has been made in this area, as is evidenced by the fact that Mrs Akbar's son has been working in the premises for six months without having received the required training.

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Peter Clyde

Licensing Standards Officer

Date : 1 August 2011

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