

WEST DUNBARTONSHIRE COUNCIL

Licensing Standards Officers Report

Licensing Board Review Hearing: 25 October 2011

Premises: Linnvale Grocers

Premises Licence Number: WDLBPREM/0254

Address: 131 Livingstone Street, Clydebank, G81 2RG

Premises Licence Holder: Mrs Naseem Waheed

Designated Premises Manager (DPM): Mr Mohammad Afzal (GC 00992)

Licensed Hours: 1000hrs to 2200hrs

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. 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.

Premises History

On 30 September 2006 a member of staff, Mr Ehmed Eshfaq, sold alcohol to a person aged under 18. Mr Eshfaq and the Licensee, Mrs Naseem Waheed were both charged. The Procurator Fiscal took no proceedings in this case.

On 14 December 2007 the premises failed a Police test purchase operation when Mr Saad Waheed sold alcohol to a person under 18 years of age. Mr Waheed and the licence holder Mrs Waheed were charged. Mr Waheed was fined £1000.

On 24 February 2008 the licensee Mrs Naseem Waheed and a member of staff Mr Malik Ahmed were charged by the Police after a male was seen leaving the premises in possession of alcohol that it was alleged had been purchased in the premises some 2 hours 40 minutes prior to the commencement of licensed hours. A Fiscal's warning letter was issued in this case.

On 2 July 2008 West Dunbartonshire Licensing Board refused an application for a 'conversion' licence under the Licensing (Scotland) Act 2005. The reason(s) stated at the time of refusal was that the granting of this licence would have been inconsistent with all five licensing objectives.

The Premises was granted a licence under the present legislation on 7 December 2009.

Inspections

The premises have been visited on several occasions by Licensing Standards Officers since February 2008.

The premises received its first full compliance visit under the Licensing (Scotland) Act 2005 on Monday 10 June 2010.

There were two issues of non-compliance on the premises at the time of inspection;

1. It was noted that training records for the staff were not available for inspection, contrary to The Licensing (Training of Staff) (Scotland) Regulations 2007.
2. It was noted that the Summary of the Premises Licence was not on display, contrary to Section 52 (2) of the Licensing (Scotland) Act 2005.

These two issues were addressed satisfactorily soon after this inspection.

The premises received its second full compliance visit on Monday 3 October 2011 following the request for a review of the licence. The DPM, Mr Afzal was unavailable so the inspection was carried out with the assistance of Mr Muhammad Arshad, a staff member.

There were several issues of non-compliance on the premises at the time of inspection;

1. It was noted that not all training records for the staff were available for inspection contrary to The Licensing (Training of Staff) (Scotland) Regulations 2007. Mr Arshad stated that he was the only other member of staff currently employed. He was unaware of where training documentation was kept. At this time another male entered the shop and proceeded to serve customers. It was ascertained that this person was Mr Fasahad Syed. He was able to locate the training documentation and supplied a Servewise training manual for himself signed by the DPM, Mr Afzal. The LSO was then presented with a second Servewise manual supposedly pertaining to Mr Arshad. This manual had been signed and dated by a West Dunbartonshire Personal Licence Holder (details withheld) but the details of who had been trained had been left blank. No other training documentation was produced.
2. It was noted that the Summary of the Premises Licence was not on display contrary to Section 52 (2) of the Licensing (Scotland) Act 2005.
3. A refusal register was produced which comprised a diary which had been started in August 2011 but only contained four or five entries made by the

DPM in early September. No other entries were made by members of staff and no previous refusal's registers were forthcoming despite this being a local licensing condition for premises with a post 2000 hours licence.

The premises display Challenge 25 signage and also display signage that states "No ID, No Sale" however no evidence of a verbal or written policy on age related sales was apparent.

All other compliance matters were satisfactory at the time of the inspection.

There are no ongoing issues with the premises from other sections of Regulatory Services.

A handwritten signature in black ink, appearing to read 'Lawrence Knighton', is positioned above the printed name.

Lawrence Knighton

Licensing Standards Officer

Date : 5 October 2011

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