

Memorandum

To: Mandy Guy

From: Licensing Authority

cc:

Contact: Gary O'Shea

Date: 14th December 2017

Extn: 7631

Ref: Maja Polish Shop
37 -39 Market Street, Torquay

Subject: **Application for the Review of a Premises Licence in respect of the above named premises, under licence number PL0981**

I write in support of the review submitted by Devon and Cornwall Police in respect of the above named premises.

On 26th October 2017, I attended the premises in the company of Julie Smart, Police Licensing Officer. The visit followed a number of previous concerns that had been raised and was not the first visit to the premises by a licensing officer from either the local authority or the police. I am aware that previous advice had been given prior to my visit on 26th October, both verbally and by way of letter.

The main purpose of my visit was to support Julie Smart whilst she spoke to staff about concerns that had been raised. During the visit, Julie Smart spoke (in my presence) to a female member of staff pointing out that there is currently a serious problem in the vicinity of the premises with street drinkers. These street drinkers are known to be consuming beer of a brand that is not a common brand but is known to be sold from Maja Polish Shop. Indeed the female member of staff showed us a stock of the very same beer, known as Karpackie, which has an abv of around 9% and clearly therefore, very strong in relation to other beers.

Whilst, there is no condition on the premises licence that prevents the sale of high abv content beer or cider, it appears on balance that the street drinkers are likely to be purchasing alcohol from this premises.

The female member of staff, insisted that they do not sell to people who are drunk, however, with the high alcohol content of this beer and others of a similar type, it is not difficult for a person to consume too much, too quickly.

Notwithstanding the above, the premises was found to be operating in breach of the Licensing Act 2003 as there was no premises licence summary on display and neither were the staff able to produce either the original, or a certified copy of the premises licence. This in itself is an offence under the Act, but also means that the

staff have no means of ensuring that they are aware of the terms and conditions of the licence under which they are operating.

Potentially of most concern was the fact that there was no evidence present of any policy relating to underage sales. There were no challenge 21 or 25 posters and no policy or procedure that staff were able to produce that would guide them in the procedures for ensuring that an underage sale was not made. Staff simply seemed to be reliant on the fact that 'as they do not make underage sales there is no problem'. Clearly this is far from an acceptable policy and indicative in my view of a premises where the licensing objectives are not being adequately promoted.

There was also clear indication that the Designated Premises Supervisor, rarely, if at all attended the premises and this being the case it is difficult to envisage how he is able to maintain control over the sale of alcohol from the premises. Again this would suggest that the premises is not operating in a manner that adequately promotes the licensing objectives.



Gary O'Shea
Principal Officer
Licensing and Public Protection
Torbay Council