

# THAMES VALLEY POLICE

Division/Station : Licensing Milton Keynes

Subject :

From : Gemma McCormack  
Licensing Officer

To : Licensing  
Milton Keynes Council

Ref : Food 4 Less Review Application 160751

Date : 16<sup>th</sup> December 2021 Tel.No. 01865 541320

## Representation

As licensing officer for Thames Valley Police, I am authorised to make representation in relation to applications made under the Licensing Act 2005 on behalf of the Chief Constable as a responsible authority.

In respect of the application to review the premises licence for Food 4 Less at 180a Queensway, Bletchley, submitted by Mr Fisher from Milton Keynes Council's Licensing Team. I have reviewed the application and am submitting this representation in support of the application to review.

Mr Fisher outlines in his application several concerns regarding non compliance with the premises licence, from the premises licence holder no longer being responsible for the business, to the designated premises supervisor not being known to the staff, to staff not being able to demonstrate compliance with conditions of the licence.

On Wednesday 8<sup>th</sup> December 2021, I attended the premises, with my colleague PC 6742 SMITH from the Neighbourhood Police Team, to ascertain compliance in relation to the premises licence. I spoke with two members of staff, who informed me that their employer was Mr Danny Rusu and that he was not currently at the store. I asked the staff about their training in relation to alcohol. They confirmed that they had been trained, shortly after starting work at the shop, one member of staff when prompted said she was trained in November, the other had worked there longer but could not recall when she was trained. Both staff members confirmed Mr Rusu was the person who trained them. I asked what they had been trained, and was informed that they ID people they believe to be a child, when prompted they stated under 18 years. I asked what ID they would accept, and after some prompting was told photo ID. When asked what they do if the person doesn't have ID, they confirmed they would not sell to them and ask them to leave. I asked them if they knew how to work the CCTV system, but was told Mr Rusu was the only person who could work the system.

On the 10<sup>th</sup> December 2021 I received an application to transfer the premises licence from Ecaterina Mocanu to Mars Contintal Ltd, of which Mr Rusu is a director.

I have a meeting scheduled with Mr Rusu for Friday 17<sup>th</sup> December, where I hope he will be able to demonstrate compliance with the premises licence. However due to the legal deadlines of the review hearing I must submit my current findings today.

At the time Mr Fisher submitted the review, the premises licence holder was not responsible for the business, and the designated premises supervisor appears to not have responsibility for the day to day running of the premises. Staff were also unable to provide evidence to satisfy conditions of the licence were being upheld. This all indicates, the potential that the licence is not being complied with, and to carry out licensable activities not in accordance with an authorisation (i.e. the premises licence) is an offence under Section 136 of the Licensing Act. To allow this situation to continue would undermine the licensing objective of prevention of crime and disorder.

Whilst the subsequent transfer application deals with one of these issues, I still have concern that Mr Singh as designated premises supervisor is not the person carrying out training in relation to alcohol sales or appearing to be in charge of the day to day running of the premises. Section 4.31 of the Section 182 guidance which accompanies the Licensing Act 2003, specifies: ***Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.*** This means Mr Singh should have a more visible role within the shop. Alternatively, the DPS should be changed to somebody who is responsible for the day to day running of the premises.

I also have concern that the staff do not appear to be fully aware of the licence conditions in relation to their Challenge policy, (conditions 2.2, 2.3, 2.4 and 2.5 of the licence annexed to the review application). It may have been due to a language barrier that they were unable to explain effectively. It may also be that as Mr Rusu was not responsible for the licence at the time that he was unaware of the additional conditions and therefore staff training did not cover it. Until my meeting with Mr Rusu, I am able to ascertain which is the case.

I therefore request that you accept this representation as a holding representation, and I shall, providing it is accepted, provide an additional supporting document under late papers to provide a fuller understanding of the situation after my meeting with Mr Rusu.

If you wish to discuss the above with me, please do not hesitate to contact me.

Kind regards

Gemma McCormack