

**LICENSING SUB-COMMITTEE**  
**23rd August, 2010**

**PRESENT** – Councillors Harley, B. Jones and Newall. (3)

**LS16. ELECTION OF CHAIR – RESOLVED** – Councillor Hartley.

**LS17. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS18. APPLICATION TO REVIEW A PREMISES LICENCE** – The Director of Corporate Services submitted a report (previously circulated) to consider an application to review a premise licence from a Responsible Authority (Durham Constabulary) on the grounds of crime and disorder and the protection of children from harm in respect of Lifestyle Express, 116 Gladstone Street, Darlington.

Stephen Mooney, Solicitor for Durham Constabulary, accompanied by PCSO Lucy Giles addressed the meeting and presented the application for review. During his presentation he showed Members a DVD of witness statements from two female test purchasers who were able to obtain alcohol from Lifestyle Express unchallenged.

The Licence Holder, Ms. Sherrelle Willsden accompanied by Barrie Hodgson and David Lester from D and B Licensing Consultants also addressed the meeting and responded to Members questions in relation to the premises, how they intended to ensure that alcohol will not be sold to underage children, gave details of training provided to staff in relation to sales of alcohol and also details of the support given by D and B Licensing Consultants to Ms. Willsden to ensure that adequate measures are in place on the premises to ensure compliance with the conditions of the licence.

A local resident attended the meeting and spoke in support of the licence holder and the changes that she had seen over the past months in ensuring that alcohol is not sold to under-age children. It was also highlighted that anti-social behaviour was generally not a problem in the area.

The Sub-Committee considered the views of the objector for review in accordance with Statutory Instrument 2005 No. 44, Guidance issued under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 (Revised 2007) and in accordance with the ‘Licensing Sub-Committees – Full Hearing procedure for Applications for Reviews of Premises Licences/Club Premises Certificates Where Relevant Representations Have Been Received’.

In making their decision Members took into consideration that there had been significant improvements made since the last incident of under age sales and that this can be contributed to the advice and support being given by D and B Licensing Consultants, however Members did still have some concerns that these improvements may not continue so to ensure consistent improvements the amendments to the existing conditions were proposed.

**RESOLVED** – That, in addition to the mandatory conditions for the sale or supply of alcohol the following conditions be applied to licence as follows:-

- (a) That the Challenge 25 Scheme shall be implemented at the premises requiring proof of identity from any person who attempts to purchase alcohol and appears to be under the age of 25 years. Notices shall be displayed within the premises advertising this scheme.
- (b) That staff be trained on at least a three monthly basis not to sell to underage drinkers or those who they think are underage and trained as to the nature of identification that may be accepted.
- (c) Only staff over the age of 18 years shall be employed. New staff not be authorised to sell alcohol unless they have had independent trained by an external source.
- (d) Notices shall be displayed prominently in the premises stating that the management will refuse to sell alcoholic liquor to adults who they believe are about to supply underage drinkers and staff shall be trained accordingly.
- (e) Any adult customers found to be purchasing liquor for underage drinkers will be banned from the premises.
- (f) A Refusals Book, an Incident Book and a Training Record Book shall be maintained.
- (g) The licensee shall ensure that the immediate area outside the premises is clear of litter at the end of opening hours.
- (h) The current CCTV system shall be maintained in working order and operated whenever alcohol is available for sale. Recordings will be properly stored and secured and kept for a minimum of 31 days. The recording shall be made available to the Police and an Authorised Officer of the Council on request.

**REASONS** – After careful consideration of both their powers to suspend and/or revoke the licence Members determined that the amendment of some of the licence conditions would be a reasonable and proportionate measure to address the issues that had been raised.