

LICENSING SUB-COMMITTEE
23rd February 2011

PRESENT – The Mayor; Councillors Dunstone and Newall.

(3)

LS25. ELECTION OF CHAIR – RESOLVED – Councillor Newall.

LS26. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS27. APPLICATION FOR A PREMISES LICENCE – The Director of Resources submitted a report (previously circulated) to consider an application to review a Premises Licence in the light of a representation from a Responsible Authority, namely Durham Constabulary on the grounds of crime and disorder and the protection of children from harm. The representations were in respect of Country Harvest.

Mr Turnbull addressed the meeting on behalf of the Police and advised of the reasons for the application for a review of the premises licence based on the prevention of crime and disorder and the protection of children from harm. The Trading Standards Manager had also joined in this application for review by submitting relevant representation in respect of the licensing objective of protecting children from harm. The Trading Standards Manager had expressed concerns at the sale of tobacco to children under the age of 18 years during part of a test purchase exercise.

Mr Ahit Singh, Mr Satinder Singh, the applicant and Mr Lester (consultant advisor) and Mr Foster (Solicitor) on the behalf of the applicants addressed the meeting and responded to Members questions.

Members listened carefully to the representations made by the Police and the applicants' legal representative, in respect of a set of actions and conditions that had been agreed by the Police and the applicants' legal representative and which Members were invited to confirm as an appropriate course of action to deal with the concerns raised. Members also considered the Council's Licensing Policy and the Guidance from the Secretary of State in respect of the Licensing Act 2003.

The Sub-Committee considered the views 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 Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received'.

In making their decision Members expressed grave concerns about the repeated incidents of under age sales, particularly the incident in February which occurred during the course of this review and after training had been provided to staff. Members did however feel that this concern had been to some extent alleviated by the condition offered at 3(9) of the document submitted to them at the hearing. The Members also commended all parties for reaching an agreement in the terms presented to them.

RESOLVED – Members considered that the following steps are necessary and proportionate to address the concerns relating to crime and disorder and the protection of children from harm:-

(a) That the premises licence be suspended with immediate effect for a period of one month. This means that the applicant will not be able to sell or supply alcohol from the Premises until Wednesday 23 March 2011. Although the Licensing Act 2003, at section 88(11)(a) provides that a determination does not have effect until the end of the period given for appealing against the decision, the applicants' legal representative advised that this period would be voluntarily forfeited by them and the suspension would commence immediately on 23 February 2011.

(b) That in addition, and in accordance with the agreement with the Police, Members determined to remove the Designated Premises Supervisor, Mr Ajit Singh with immediate effect and noted that Mrs Kashmir Kaur would take over this role.

(c) That the following modifications be made to the conditions attached to the licence:

1. The Licence holder shall ensure that there shall be a minimum of 2 members of staff on duty every Friday and Saturday from 17.00 hours onwards.
2. The premises shall operate and keep an incident and refusal book at the premises. Such shall be available, upon request, for inspection by the Police, Trading Standards or the Licensing Authority.
3. A CCTV system meeting Durham Constabulary's minimum CCTV standards shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with the local police. Such a system shall,
 - (i) Be operated by properly trained staff,
 - (ii) Be in operation at all times that the premises are being used for a licensable activity,
 - (ii) Ensure coverage of all entrances and exits to the Licensed Premises internally and externally,
 - (iii) Ensure coverage of such other areas as may be required by the Licensing Authority and the local police,
 - (iv) Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 31 days, and shall be supplied to the Licensing Authority or a police officer on request.
4. In accordance with a Challenge 25 scheme, all members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol in order to prove that they are over the age of 18. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
5. A staff training manual shall be used and maintained at the premises:

- (a) All members of staff shall receive internal training on their responsibilities, with a particular focus on issues surrounding underage sales of alcohol. Such training shall be in accordance with an internal training manual. Training will be given to all new staff within the first week of employment then refreshed a month later.
 - (b) All staff shall be trained every 3 months by an external training provider. Such external training will focus upon age restricted products, policies and procedures, challenge 25, conflict management and partnership working.
 - (c) A record of training shall be kept at the premises, and be available, upon request, for inspection by Police, Trading Standards or the Licensing Authority (together with the training manual).
- 6. The premises will take part in any Police led initiatives concerning sales of alcohol aimed at reducing the impact of off sales of alcohol on the licensing objectives, including bottle watch or similar operations.
- 7. An employee from the premises will attend at any available 'off watch' (or similar scheme) ran in the locality.
- 8. The Premises Licence Holder shall ensure that where an individual over 18 years is reasonably suspected of purchasing alcohol by or on behalf of persons under 18 years then that individual will be refused all future sales of alcohol.
- 9. Any sale of alcohol must be made by a personal licence holder. This will not include a personal licence holder who has previously accepted a fixed penalty notice relating to the sale of alcohol to a person under 18 years.