

LICENSING ACT 2003 SUB-COMMITTEE

9 November 2015

PRESENT – Councillors B. Jones, D. Jones and Kane.

(3)

LS13. ELECTION OF CHAIR – RESOLVED – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

LS14. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS15. APPLICATION TO REVIEW A PREMISES LICENCE – TRO Convenience Store - The Director of Economic Growth submitted a report (previously circulated) to consider an application from a Responsible Authority, namely Durham Constabulary to Review the Premises Licence on the grounds of Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.

Present at the meeting were the Licence Holder, Mr. Sriskantharaja, accompanied by Mr. Iain Logue, Independent Consultant and Mark Hall; on behalf of Durham Constabulary, Detective Constable Dean Haythornethwaite, Sgt. Carol Dickenson, PCSO Mandy McAllister and Mr Stephen Mooney, solicitor; Pam Ross, Licensing, Parking, Trading Standards and CCTV Manager; Julie Richings, Principal Licensing Officer and Helen Thompson, Lawyer (Litigation).

The Licensing, Parking, Trading Standards and CCTV Manager introduced the application for the Review of Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by Durham Constabulary on the grounds of prevention of crime and disorder, public safety and the protection of children from harm and the information regarding numerous failings to operate within the lawful requirements of the Licensing Act 2003, including repeated breaches of licence conditions, and that the Designated Premises Supervisor and another staff member had been convicted of licensing offences and handling stolen goods, namely stolen alcohol which had been offered for sale at the premises.

In addition, Members viewed CCTV evidence from the store during the hearing provided by Durham Constabulary; and considered the points for clarification in relation to recent issues of crime and disorder within the vicinity or attributed to the premises and confirmed that there had been none. The CCTV evidence appeared to show the sale of alcohol to customers who appeared to be intoxicated; the use of a credit system for certain customers; and what appeared to be the sale of alcohol to under 25 without challenge.

Members also listened carefully to the representations made by Mr. Sriskantharajah's representative and the points for clarification in relation to the CCTV system at the premises; details of training provided to all staff in respect of the requirements of the premises licence and the sale of alcohol from the premises; details of how the proof of age requirement is implemented; and details of how the refusals book is used and copies of refusals over the last 12 months.

The Sub-Committee considered the views in accordance The Licensing Act 2003 (Hearings) Regulations 2005; the Secretary of State's Guidance for dealing with reviews and in particular reviews arising in connection with crime; Guidance issued under Section 182 of the Licensing Act 2003, 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 arriving at their decision, Members were particularly mindful of Sections 6.0-6.3 of the Council's Licensing Policy in relation to Impact of Licensable Activities Section 9-9.3 relating to Public Safety; section 10-10.4 in relation to Crime and Disorder (Effect in Vicinity/Personal Licence holder to be on premises); Section 11-11.2.2 relating to Protection of Children from Harm; and Section 12.7 relating to Off Sales.

In reaching their decision, Members expressed their concerns at what they deemed to be lack of good management at the premises which was evidenced by the licence holder's conviction for an offence of handling stolen goods and his conviction for carrying out a licensable activity other than in accordance with his premises licence i.e. the sale of alcohol outside of the permitted hours; numerous problems that had arisen with the CCTV system; the sale of alcohol on what appeared to be a credit basis; the sale of alcohol to customers who appeared to be intoxicated; and the failure to challenge customers who appeared to be under the age of 25 years in accordance with the condition on the licence.

RESOLVED – (a) That Mr Sriskantharajah be removed as the Designated Premises Supervisor with immediate effect.

(b) That the premises licence be suspended until such time as an appropriate Designated Premises Supervisor has been identified and approved by Durham Constabulary or for a period of three months, whichever is the lesser.

(c) That in accordance with section 52(11) of the Licensing Act 2003 the above will take effect either; once the time period for appeal has ended or if an appeal is made, when that appeal is determined.