

MID BEDFORDSHIRE DISTRICT COUNCIL

Record of Licensing Sub Committee D hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Tuesday, 9 November 2010

Licensing Sub Committee Composition

Clrs T Green (Chairman) D Bowater
A A J Rogers

Members' Interests

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

Name of Applicant

Tim Argent – Senior Enforcement Officer – Trading Standards
Central Bedfordshire Council – Public Protection
Priory House
Monks Walk
Chicksands
Beds SG17 5TQ

Name of Parties present (including the Applicant, Observers and Persons who have made relevant Representations together with any person representing each Party)

Mr T Archer	- Applicant for Responsible Authority
Mr B Mann	- Premises Licence Holder
Cllr T Green	- Central Bedfordshire Councillor
Cllr D Bowater	- Central Bedfordshire Councillor
Cllr A A J Rogers	- Central Bedfordshire Councillor
Mrs J Hillier	- Licensing Admin & Enforcement Assistant
Mrs C Bell	- Team Leader, Public Protection
Mrs J Borthwick	- Service Manager, Public Protection
Mr M Woolsey	- Acting Managing Solicitor – Litigation
Mrs M Clampitt	- Democratic Services Officer

Names of Parties submitting representations and indications of their representations

None were submitted.

Procedure for Hearings of Applications for Authorisations under the Licensing Act 2005 by the Licensing Sub-Committee

Noted the procedures for hearing the applications for Authorisations under the Licensing Act 2005 by the Licensing Sub-Committee.

Amendment of Application (if any) requested by Applicant

There were no amendments requested.

The Application

The application was for a review of the premises licence at Premiere Store, 82 House Lane, Arlesey. The original application for conversion to a licence under the Licensing Act 2003 was received and granted in 2005. The premises has failed two alcohol test purchase operations that had been undertaken by Trading Standards and the Police which resulted in alcohol being sold to children on 27 February 2007 and 15 October 2008.

A copy of the application form was attached to the report at Appendix A.

The Four Licensing Objectives

The Chairman drew attention to the four licensing objectives which were set out in the report circulated with the Agenda.

Licensing Act 2003 - Determination of Application for Review of a Premises Licence at Premiere Store, 82 House Lane, Arlesey

The Sub-Committee received and considered a report of the Head of Service Public Protection which explained that an application had been submitted by the Relevant Authority for a review of the premises licence for Premiere Store, 82 House Lane, Arlesey. The Applicant, Mr T Argent, Trading Standards, the Premises Licence Holder and witnesses attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing Admin and Enforcement Assistant to present the report to the Sub-Committee. The Sub-Committee were advised that the applicant had submitted an application for the review of a premises licence under the Licensing Act 2003. The applicant had recommended the following measures:-

- Have on display Challenge 25 display materials.
- Have in place a Challenge 25 scheme at the premises
- No sale of alcohol after 5pm can be made without the purchaser producing sufficient identification (passport, photo driving licence, accredited proof of age card).

- Refusals book to be checked and signed weekly by the Designated Premises Supervisor for use by staff and correct completion.
- Designated Premises Supervisor or a Personal Licence holder to be present on shop floor when all alcohol sales are made.
- Training for Designated Premises Supervisor – e.g. specified BIIAB course or similar qualification.

The Chairman invited the Applicant to present their case to the Sub-Committee. Mr Argent presented his case to support the above recommendations to prevent underage sales at Premiere Store. The Applicant gave examples of when underage sales had occurred over recent years. In addition, he advised of the prosecution by Bedford Magistrates Court where the Premises Licence Holder had been found guilty of underage sales on two occasions.

The Sub-Committee noted that there had been two occasions of underage sales on 09/09/09 and 14/10/09.

The Chairman invited the Premises Licence Holder to present his case. The Premises Licence Holder gave a brief history of the Premiere Store including his family obligations, his patrons and employees. He explained that he had assumed his staff had carried out training on how to check for age and the completion of the refusals book. He did confirm that he did not check the books as a regular duty.

The Sub-Committee asked the Premises Licence Holder questions.

The Chairman invited the Applicant and the Premises Licence Holder to sum up their cases.

The Sub-Committee adjourned with its Solicitor to deliberate upon the application.

DECISION

That having taken into account the Licensing Act 2003 Guidance issued under Section 146, Central Bedfordshire Council's Licensing Policy and representations from the Applicant and parties, amended the licence to include the following variations:-

1. Challenge 25 display materials must be on display.
2. A Challenge 25 scheme must be in place.
3. No sales of alcohol after 5.00pm can be made without the purchaser producing sufficient Identification (passport, photo, driving licence, accredited proof of age card).
4. There must be a refusals book or electronic point of sale refusals log maintained on the premises.
5. The refusals book must be used by all staff and checked and signed weekly by the Designated Premises Supervisor.
6. The Designated Premises Supervisor or a Personal Licence holder must be present on the shop floor when all alcohol sales are made.

7. The Designated Premises Supervisor must complete a specified BIIAB course or gain an equivalent qualification.
8. All sales staff must receive formal training in age related product sales and the Premises licence holder is suggested to call the Trading Standards helpdesk number to receive further information regarding this.

The Sub-Committee considered the additional conditions necessary for the promotion of the licensing objectives, especially the Protection of Children from Harm.

All Licences are granted subject to the mandatory conditions imposed by the Licensing Act 2003.

Reason for the decision was the protection of children from harm.

(Note: The meeting commenced at 9.00 a.m. and concluded at 10.40 a.m.)