

**LICENSING SUB-COMMITTEE****9 NOVEMBER 2010**

<b>SUBJECT</b>	<b>LICENSING ACT 2003 – DETERMINATION OF APPLICATION FOR REVIEW OF A PREMISES LICENCE AT PREMIERE STORE, 82 HOUSE LANE, ARLESEY</b>
<b>REPORT OF</b>	<b>Head Of Service Public Protection</b>
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**1. The Application**

1.1 An application has been submitted by a responsible authority for review of the premises licence at Premiere Store, 82 House Lane, Arlesey. Copy application at Appendix A.

1.2	Activity	Current Provision	The Application
	Supply of Alcohol	Mon to Sat 08:00hrs to 23:00hrs Sun 10:00hrs to 22:30hrs <i>Extension to Sale of alcohol on Good Friday 08:00hrs to 22:30hrs and Christmas Day 12:00hrs to 15:00hrs then 19:00hrs to 22:30hrs.</i>	N/A
	Hours of Opening	No restrictions	N/A

1.3 The premises is situated adjacent to residential properties and faces onto House Lane, Arlesey. The general area is made up of mainly residential properties. A copy of the location map is attached at Appendix B.

**2. Relevant History**

2.1 The original application for conversion to a licence under the Licensing Act 2003 was received on 01/08/2005. No objections were received from either responsible authorities or interested parties, and the license was granted on 24/11/05.

The premises failed two alcohol test purchase operations that were undertaken by Trading Standards and the Police and sold alcohol to children on 27/02/07 and 15/10/08.

Trading Standards provided Premiere Stores with detailed advice and guidance on implementing and setting up systems, including staff training, to prevent sales of alcohol to children on 9 separate occasions. Premiere Stores failed to implement any of these systems or staff training.

Following two more failed test purchase operations on 09/09/09 and 14/10/09 Premiere Stores were prosecuted at Bedford magistrates Court on 17/08/10 under section 146 of the Licensing Act 2003, for selling alcohol to children on two separate occasions.

The Magistrates found the Premises Licence holder guilty of both charges and he was fined £525.00 in respect of each offence. In addition to this costs of £2734.00 were imposed on the Premises Licence holder. See Appendix C.

The prosecution at Bedford Magistrates Court has lead to this application for review. The applicant has suggested the following measures which could be taken to prevent further underage sales.

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

### **3. Promotion of Licensing Objectives**

3.1 The current conditions consistent with the operating schedule are included at Appendix D).

### **4. Representations from responsible Authorities**

4.1 There are no other representations from responsible authorities.

### **5. Interested Parties**

5.1 There are no representations from interested parties.

### **6. Licensing Policy**

6.1 Members' attention is drawn to the Council's Licensing Policy, in particular section 7.4, which refers to the relevant licensing objective which is The Protection of Children from Harm.

### **7. Secretary of State's Guidance**

7.1 The sub committee must have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, and Annex G refers to the relevant objective.

## 8. Observation and General Guidance

8.1 The Sub-Committee must consider the application and/or any submissions made in writing, and determine the application.

The options available are:

- To modify the conditions of the licence - this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

8.2 The Sub-Committee determination must be based upon:-

- The merits of the application.
- The promotion of the four Licensing objectives.
- The Policy of the Licensing Authority.
- The Guidance issued by the Secretary of State for Culture, Media and Sport.

8.3 The Sub-Committee must provide reasons for their decision.

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**Background Papers:** Licensing Act 2003, DCMS Guidance, Central Bedfordshire Council Licensing Policy  
**Location of Papers:** Licensing Section  
**File Reference:** 2000181