

Licensing Act Sub Committee Hearing

Wednesday 23rd May 2007

Members of the Panel:	Councillors Hall, Kaiser and Tumilty (Chair)
Application Premises:	Booze Buster, 129 Oxford Road
Applicant Responsible Authority	Brian Dinning, Senior Technical Officer
Officers present:	Sylvia Pinkney, Consumer Services Manager Tony MacNab, Solicitor Jo Wilson, Democratic Services Officer
Statutory Consultees Present:	Ann McMorris, Head of Safeguard and Review Unit
Respondent Premises Licence Holder	Maria Kipling, Branch Manager Martin Stafford, Solicitor Paul Richards, Head of Property and Licensing at Wine Cellar John Thompson, Regional Manager for Wine Cellar
Decision:	
<p>The Licensing Authority considered that the application for a review of the premises licence by the Trading Standards, Responsible Authority, was relevant to the licensing objective relating to the protection of children from harm.</p> <p>The application related to the sale of alcohol to an individual aged under 18 on 1st December 2006 at the respondent premises. The shop assistant who made the sale was convicted on the 26th March 2007 and was fined £40 and ordered to pay £60 costs.</p> <p>The Responsible Authority for children, made a representation under the category of protection of children from harm. They stated that the implications of supplying alcohol to a minor places the child at risk, both in terms of their health and personal safety. Alcohol can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.</p> <p>The Solicitor for the Respondent Premises Licence Holder put forward representations concerning the policies and procedures in place to ensure compliance with the Licensing Act. These were well documented in papers presented to the Committee.</p> <p>A number of conditions had been proposed by the applicant Responsible Authority to enable the promotion of the licensing objective relating to protection of children from harm.</p>	

The Licensing Authority was satisfied that there were detailed documented policies and procedures in place, however, considered that the imposition of the proposed conditions would further help to prevent the sale of alcohol to under 18s at these premises

The Licensing Authority decided to modify the conditions of the Licence by imposing the following:

1. The Premises Licence Holder will ensure that a CCTV system is in operation at the premises that is fit for purpose and, where more than one camera is in operation, at least one camera will be directed at the sales counter so as to record all sales taking place. Images recorded by the system shall be retained for a minimum of 28 days and shall be made immediately available to police officers or other authorised officers on request.
2. There shall be in place a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 21 to produce a recognised proof of age accredited under the Proof of Age Standards Scheme (PASS), a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth. Staff will be trained in the implementation of the policy and will monitor compliance within the store.
3. At least one notice shall be displayed at the entrance to the premises where it can be clearly seen and read and shall indicate the company policy to challenge customers who appear to under the age of 21.
4. A written record shall be maintained detailing the training provided to each member of staff authorised to sell or supply alcohol. Such a record shall be signed by the member of staff to confirm the date that such training took place.
5. There shall be a means of alerting staff to verify the age of a prospective purchaser at the point of sale.

The Licensing Authority considered that this action was necessary under subsection 3 of section 52 of the Licensing Act 2003 for the promotion of the licensing objectives.

VICTOR TUMILTY

CHAIR