

Licensing Act Sub Committee Hearing

Friday 14th July 2006

Members of the Panel:	Councillors Griffin (Chair), R Cook and Morris
Application Premises:	Kullar News
Applicant and Applicants representative(s):	Neil Harrison, Trading Standards Officer
Officers present:	Sylvia Pinkney, Consumer Services Manager Ann McMorris, Head of Safeguarding and Review Unit Lynda Young, Safeguarding and Review Unit Tony Macnab, Solicitor Jo Wilson, Democratic Services Officer
Statutory Consultees Present:	Peter Knights, Cleveland Police
Respondent Premises Licence Holder:	Mrs Harvinder Kaur (Licensee) John Burt (Representative) Gurvir Kullar and Mr Kullar (Witnesses)
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 objectives relating to the prevention of crime and disorder, the prevention of public nuisance and the prevention of children from harm.</p> <p>The application related to the commission of an offence of selling alcohol to a 14-year-old child on the 21st September 2005. An assistant, working in the respondent's premises, was, on 24th April 2006 convicted of the offence and was fined £250 for the offence and ordered to pay £440 costs.</p> <p>The Trading Standards, responsible authority, outlined the background to the offence and advised that the sale was recorded on covert video camera. Proof of age was not requested by the store assistant who made the sale.</p> <p>The Safeguarding and Review Unit, responsible authority for children, put forward a relevant representation under the category of protecting 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</p>	

residents.

The police, responsible authority, referred to a number of written documents which consisted of collated intelligence concerning the consumption of alcohol by youths in the area around the respondent's premises which it was believed had been purchased from those premises.

One incident, collated on 2nd October, was referred to and concerned a parent who had stated that over the past two weeks her young son had come home drunk and stated that alcohol had been bought from the respondent's premises.

Another intelligence report, dated 13th February 2006, referred to an incident on 10th February 2006 when a large number of youths congregated outside and inside of the respondent's premises and later that evening around 20 to 30 youths were seen drinking and being abusive nearby.

A recent intelligence report, collated on 16th June 2006, referred to observations of, at times, in excess of 15 to 20 youths stood outside the respondent's premises. The report stated that on occasions alcohol has been confiscated from youths in and around the area with an indication that the alcohol had been purchased from the respondent's premises.

The respondent's representative, Mr Burt, stated that in respect of the analysis of the evidence there was no exact proof of any of the incidents outlined by the police. The respondents denied that they had knowingly sold alcohol to under-18s or sold to adults on their behalf. The premises had kept a refusals register since July 2005. Mr Burt stated that the police's evidence consisted of gossip and common knowledge.

Mr Burt stated that the respondent had tried to deal with the problem of youths congregating outside the premises by asking them to move on but had received abuse from the youths.

Mr Burt stated that if the premises licence was revoked the business would not be viable and people would lose their jobs. However, the respondent accepted that the premises is a general dealers with sales of alcohol contributing to about half the sales.

The Licensing Authority considered that the evidence presented by the police demonstrated that there were still ongoing problems with under-age drinking in the vicinity of the respondent's premises with the likelihood that the alcohol had been purchased from those premises.

The Licensing Authority was satisfied that the Applicant, responsible authority and the Police and Safeguarding and Review Unit, responsible authorities, had demonstrated that the licensing objectives relating to the protection of children from harm, the prevention of public nuisance and the prevention of crime and disorder would only be promoted if very strong action were to be taken against the respondent.

The Licensing Authority considered its options and reached the conclusion that

the only responsible course of action to take is to revoke the premises licence.

The Licensing Authority considered that this decision is necessary and proportionate to ensure the protection of children from harm and the prevention of public nuisance and crime and disorder caused by the sale of alcohol to children.

For the above reasons the premises licence is hereby revoked.

SHEILA GRIFFIN

CHAIR