

Licensing Act Sub Committee Hearing

Thursday 15th March 2007

Members of the Panel:	Councillors R Cook (Chair), Rayner and Rogan
Application Premises:	197 Raby Road
Applicant Responsible Authority	Brian Dinning, Trading Standards Officer
Officers present:	Ralph Harrison, Head of Public Protection Ann McMorris, Head of Safeguarding and Review Unit Tony MacNab, Solicitor Jo Wilson, Democratic Services Officer
Respondent Premises Licence Holder	Mr Pathmanathan (not present) John Ellwood (Solicitor) (not present)
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 commission of an offence of knowingly allowing the sale of alcohol to an individual aged under 18 on 13th July 2006 at the respondent's premises. Proof of age was not requested by the assistant Seevarathinam Senthilkumuran who authorised the sale. He was subsequently prosecuted and was fined £240 and ordered to pay £230 costs.</p> <p>The Responsible Authority for children made a written 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 steps taken to ensure that children are not sold alcohol from the premises. The Premises Licence Holder was on vacation in Canada and had employed Mr Senthilkumuran, a Personal Licence Holder, to manage the premises in his absence. The shop assistant who was well trained was in the process of requiring identification but was overruled by Mr Senthilkumuran. The Premises Licence Holder had therefore exercised all due diligence to avoid committing the offence.</p> <p>The Licensing Authority therefore did not consider that it was necessary to take any of the steps mentioned in subsection 4 of section 52 of the Licensing Act 2003 and therefore no action is taken in respect of the premises licence. However, the Licensing Authority wished for the Premises Licence Holder to be made aware that in future he should ensure that the person he appoints to manage the premises in his absence is made well aware of that person's responsibilities in complying with the Licensing Act 2003 in its entirety.</p>	

ROB COOK

CHAIR