

Licensing Act Sub Committee Hearing

Friday 16th March 2007

Members of the Panel:	Councillors Lilley (Chair), Laffey and Worthy
Application Premises:	Netto
Applicant Responsible Authority	Trading Standards
Officers present:	Tony Macnab, Solicitor Brian Dinning, Senior Technical Officer Pat Watson, Democratic Services Officer Ann McMorris, Head of Safeguarding Unit Lorraine Hutchinson, Licensing Clerk for Safeguarding Unit
Respondent Premises Licence Holder	Gary Westwood, District Manager, Netto Food Stores (Designated Premises Supervisor) Tim Wells, Solicitor for Netto Madelaine Wells, Licensing Clerk, Netto
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 the sale of alcohol to an individual aged under 18 on 25th August 2006 at the respondent premises. The shop assistant who made the sale pleaded guilty at court on 15th January 2007 and was fined £30 but not ordered to pay any 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>Tim Wells, Solicitor for Netto, summarised the procedures that the company have in place to prevent the sale to individuals aged under 18. The company have an electronic sale of alcohol testing mechanism in place at each till. Each time an alcohol related item is scanned at the till an audible warning is sounded and a visible warning on the till is shown up asking the cashier to be satisfied that he or she is satisfied that the purchaser of the alcoholic item appears to be over the age of 21 years. If, however, there is any doubt that the person appears to be under the age of 21 years he or she is then prompted to seek proof of identity at which point the cashier is then prompted to press a button to confirm that appropriate ID being provided has properly dealt with the age authentication process, The cashier who made the sale overrode this procedure.</p>	

In cases where a refusal was made there would be no record of the refusal, however, the company has now instigated an arrangement in the 11 stores which fall under the responsibility of Gary Westwood, whereby even in the most obvious cases when there is likely to be a breach of the licensing laws, the alcohol item should be scanned, the record made that the sale had been declined and the customer sent away.

The Licensing Authority was satisfied that there were detailed documented policies and procedures in place to prevent the sale of alcohol to under 18s at these premises

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.

GEOFF LILLEY

CHAIR