

# Licensing Act Sub Committee Hearing

Friday 20<sup>th</sup> April 2007

Members of the Panel:	Councillors Tumilty (Chair), Hall and Kaiser
Application Premises:	The Local, 129 Elwick Road
Applicant Responsible Authority	Tony Green, Trading Standards Officer
Officers present:	Ralph Harrison, Head of Public Protection Ann McMorris, Head of Safeguard and Review Unit Tony Macnab, Solicitor Jo Wilson, Democratic Services Officer
Respondent Premises Licence Holder	
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 23<sup>rd</sup> June 2006 at the respondent premises. The shop assistant who made the sale was convicted on the 12<sup>th</sup> February 2007 and was fined £200 and ordered to pay £380 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 Respondent Premises Licence Holder put forward written representations concerning the policies and procedures in place to ensure compliance with the Licensing Act. These were well documented in papers supplied to the Committee.</p> <p>A number of conditions had been proposed by the applicant Responsible Authority to the Respondent Premises Licence Holder to enable the promotion of the licensing objective relating to protection of children from harm.</p> <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</p>	

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

1. The Thresher Group will install and operate a CCTV system that is fit for purpose and, where more than one camera is in operation, at least one camera shall be permanently 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. The Thresher Group will train its staff 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's policy to challenge customers who appear to under the age of 21.
4. A written record shall be maintained detailed 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 whenever an age restricted product is presented for purchase.

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