

Time commenced: 10.17am
Time adjourned: 12.05pm
Time recommenced: 1.48pm
Time finished: 1.58pm

**GENERAL LICENSING SUB COMMITTEE
22 DECEMBER 2008**

Present: Councillors Berry, Leeming and Richards

38/08 Appointment of Chair

Resolved to appoint Councillor Redfern as Chair of the Sub-Committee.

39/08 Apologies

There were no apologies received.

40/08 Late Items Introduced by the Chair

There were no late items.

41/08 Declarations of Interest

There were no declarations of interest.

**42/08 Application for a new premises licence at
Wardwick News, 47 The Wardwick, Derby, DE1
1HJ**

The Committee considered a report from the Director of Environmental Services on an Application for a new premises licence at Wardwick News, 47 The Wardwick, Derby, DE1 1HJ. An application for a new premises licence was received on 30 October 2008 from Mr R Oliver. A copy of the application was attached in the report.

The Sub-Committee has considered an application for a Premises Licence for Wardwick News, 47 The Wardwick, Derby. The application is for the sale by retail of alcohol for consumption off the premises.

The Sub-Committee has heard from: Mr Oliver – Proprietor, Sgt Stocks – Licensing, Sgt Simmonds, PC Needham, Mrs Katie Buckley - Police Counsel and Sandra Mansell – Environmental Health and has taken into account the written representations received.

Decision

3. In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and has carefully considered all the evidence presented to it.

4. The Sub-Committee has made this decision to promote the 4 Licensing Objectives:

- (a) Prevention of Crime and Disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from Harm.

5. Subject to paragraph 6(6) below, the Sub-Committee has RESOLVED to grant the Premises Licence for Wardwick News, 47 The Wardwick, Derby in the following way:

5.1 to permit the sale by retail of alcohol for consumption off the premises as follows:

Activity	Hours
Supply of alcohol	Monday – Sunday 10:00 – 22:30

6. In order to promote the 4 Licensing Objectives, the following conditions will be attached to the Licence:

MANDATORY CONDITIONS – SUPPLY OF ALCOHOL

1. No supply of alcohol may be made under the premises licence-
 - a. at any time when there is no designated premises supervisor in respect of the premises licence; or
 - b. at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITIONS – DOOR SUPERVISION

3. Each individual required to be at the premises to carry out a security activity must be licensed by the Security Industries Authority.

CONDITIONS RELATING TO CRIME AND DISORDER

4. You must carry out a crime prevention risk assessment of the premises within 28 days of the grant of this licence. Upon receipt of the risk assessment, a copy shall immediately be provided to the Licensing Authority and to the Derbyshire Constabulary.
5. You must fully implement the recommendations of the risk assessment referred to at paragraph 6(4), following which you shall notify the Licensing Authority and the Derbyshire Constabulary, in writing, of implementation.
6. Unless and until the risk assessment has been implemented, and notification thereof has taken place, in accordance with paragraph 6(4), no supply of alcohol shall take place at or from the licensed premises.
7. The front windows of the premises shall at all times be kept clear so as not to present an obstruction of view from within the premises to the outside. For the avoidance of doubt no posters or advertisements shall be displayed on the windows.
8. A minimum of one doorstaff shall be employed on Fridays, Saturdays, Sundays and Bank Holidays from 7.00pm – 10.30pm.
9. No individual units of discount purchased packs or multi packs of alcohol shall be re-sold from the premises as individual units.

CCTV

10. You must install and maintain a closed circuit television camera system to a standard as required by the Police Crime Prevention Officer. The system shall be operational at all times when the premises are open for the licensable activities specified within the premises licence. The system shall be installed to ensure coverage within and immediately outside the licensed premises.
11. All recorded images shall be retained for a minimum period of 28 days.

12. There must be a person trained on the use of the system either at the premises or immediately available to retrieve any recorded images or data upon request by a Police Officer or an authorised person acting on behalf of a responsible authority as detailed within Section 13 of the Licensing Act 2003.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

Proof of age cards

13. You must apply a policy requiring the production of “proof of age” from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. “Proof of age” should not be limited to recognised “PASS proof of age cards”, but you should allow for the production of other proof, such as photo-driving licences, student cards and passports.

14. A ‘Challenge 21 Scheme’ will be operated by the licensed premises and all staff employed to work at the premises will be trained on the use and operation of the scheme.

15. A record will be kept detailing any incidents or occasions when an alcohol sale is refused for any reason. Details will include the date and time of the occurrence, the product that was refused, a brief description of the person attempting to purchase the alcohol and the name or other uniquely identifying number or initial of the member of staff involved in the refusal.

16. The incidents and refusals book will be made immediately available upon a request by a Police Officer or an authorised person acting on behalf of a responsible authority as detailed within Section 13 of the Licensing Act 2003.

7. The reasons for this decision are as follows:

- 7.1 Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the council’s licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the applicant and the representations made by the interested parties.

7.2 The Sub-Committee felt it was reasonable and proportionate to allow the application (as amended) subject to the conditions specified which are imposed to specifically address the concerns raised by the Police.

7.3 The Premises are in an area described by the Police as a crime and disorder hotspot, which is notorious for suffering problems with alcoholics/drunks. It is an area with a number of premises that benefit from premises licences that permit late night on-licence alcohol sales. It is also an area which has an alcohol restriction zone in force. The Committee was advised that the premises has the potential to become the focal point for late night revellers seeking to purchase alcohol following the closure of on-licence retail outlets in the area. The Committee is satisfied that the very high potential for these fears to be realised would significantly undermine the crime prevention, public safety and public nuisance objectives.

7.4 In order to promote the licensing objectives referred to in paragraph 7.3, the Committee decided to limit the hours for the supply of alcohol accordingly.

8. All Parties may appeal this decision. Guidance on this process is attached to this decision notice.

MINUTES END