

Time commenced:	10.48
Time Finished:	14.22

**GENERAL LICENSING SUB COMMITTEE
25 JANUARY 2011**

Present: Councillors Atwal, Leeming and Hird

159/10 Appointment of Chair

Resolved to appoint Councillor Hird as Chair of the Sub Committee.

160/10 Apologies

There were no apologies for absence.

161/10 Late Items Introduced by the Chair

There were no late items.

162/10 Declarations of Interest

There were no declarations of interest.

**163/10 Application for a Premises Licence at Babington
Convenience Store, 70 Babington Lane**

1. The Sub-Committee has considered an application for a new Premises Licence for Babington Convenience Store, 70 Babington Lane, Derby, DE1 1SX. The application is for the sale of alcohol off the premises.
2. The Sub-Committee has heard from: Ms Ann Walker (Derby City Council Licensing Team), Mr Avneet Singh Khaneja (the Applicant), Mr Daljit Singh Khaneja (the proposed designated premises supervisor), Mr Patrick Burke (representing the Applicant), Sgt Mark Lomas (Derbyshire Constabulary), PC Richard Morley (Derbyshire Constabulary), Ms Jillian Hart (Jillian Hart Fashions - Interested Party), Mr. Chris Swinsdall (on behalf of Jillian Hart – Interested Party) and Mr Craig Keen (Derby Community Safety Partnership – Interested Party) and has taken into account all of 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.

Findings of Fact

5. The Sub-Committee made the following findings of fact:
 - 5.1 The person nominated as the Designated Premises Supervisor for the Premises, Daljit Singh Khaneja has been granted a personal licence by Derby City Council.
 - 5.2 Relevant representations were received from all of the persons listed at paragraph 2, as either Responsible Authorities or Interested Parties, relating to anti social behaviour and general nuisance caused by the presence of street drinkers within the area, and the saturation of licensed premises' within Derby city centre, including within the vicinity of the application premises;
 - 5.3 The application premises lies between Milestone House and the Padley Centre. Both these premises provide accommodation for the homeless, a significant proportion of whom are alcohol and drug dependent;
 - 5.4 There is nursery in close proximity to the application premises, plus local primary schools situated in nearby and adjacent streets.
 - 5.5 The crime statistics within the area provided by Derbyshire Constabulary demonstrate a clear link between the availability of alcohol for retail within Derby city centre and the consumption of alcohol, as causes of crime;
 - 5.6 Notwithstanding the foregoing however, taken together, the combination of the conditions proposed by the Applicant alongside those suggested by the Derbyshire Constabulary are sufficient to safeguard the four licensing objectives, and are supportive of the general presumption in favour of granting a licence.
6. The Sub-Committee has **RESOLVED TO GRANT** the application for a new premises licence for Babington Convenience Store, 70 Babington Lane, Derby, DE1 1SX in the following way:
 - 6.1 to approve Daljit Singh Khaneja as the Designated Premises Supervisor for the premises
 - 6.2 to permit the supply of alcohol for consumption off the premises only, as follows:

Activity	Hours
Supply of alcohol (off the premises)	Monday – Saturday 12.00 hours – 22.00 hours Sunday 12.00 hours – 21.00 hours
Hours the premises are open to the public	Daily 07.00 hours – 23.00 hours

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

MANDATORY CONDITIONS – SUPPLY OF ALCOHOL

- 7.1 No supply of alcohol may be made under the premises licence-
- at any time when there is no Designated Premises Supervisor in respect of the premises licence; or
 - at any time when the Designated Premises Supervisor does not hold a personal licence, or his personal licence is suspended.
- 7.2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

- 7.3 The Designated Premises Supervisor (DPS) will, within 3 months of the date of this decision, attain a qualification, namely, either the BIIAB National Certificate or the CPL qualification for Designated Premises Supervisors (a specialised course for DPS's which the Sub-Committee considers to be necessary and proportionate to impose, taking account of the unique issues arising within the area of the premises);
- 7.4 The Premises Licence Holder (PLH) and DPS shall ensure that a minimum of one person who possesses a personal licence is present on the premises whenever they are open for licensable activities;
- 7.5 Alcohol shall not be sold in single units, save for wines and spirits. For the avoidance of doubt, no sale or supply of individual cans or bottles of alcohol shall be made from the premises;
- 7.6 Save for wines and spirits, no alcohol sold or supplied from the premises shall contain an alcohol by volume (ABV) rating equal or greater than 5.7%;
- 7.7 Alcohol spirits shall be located and sold only from behind the counter.
- 7.8 Training shall be provided to all staff involved in the sale of alcohol. Initial training shall be provided upon commencement of employment, such training to include details of the law relating to the sale of alcohol, and any in-house systems or procedures that staff are required to adhere to. Refresher training shall be provided at regular intervals, or as appropriate,

and in any event at least once every six months. Written records detailing the extent of training provision for each individual member of staff shall be retained on the premises for a minimum of one year and shall be produced on request to a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003;

- 7.9 A 'Challenge 25' age policy in relation to the sale and/or supply of alcohol shall be applied to the premises, requiring anyone appearing to be under the age of 25 years to produce proof of their age prior to purchasing such products. Acceptable forms of identification for this purpose is limited to:
- PASS accredited proof of age card
 - Photo card driving licence
 - A valid British/UK passport
- 7.10 Unambiguous signage indicating the operation of the 'Challenge 25' age policy at the premises shall be displayed at all entry and exit points to the premises, as well as at all points of sale.
- 7.11 In addition to paragraph 7.11, there shall also be displayed similarly unambiguous signage relating to the operation of the 'Challenge 25' scheme in all areas where alcohol is displayed for sale on the premises.
- 7.12 All refusals of sales on alcohol shall be recorded in a refusals book/register. The register shall, as minimum measures, record the date and time of refusal, as well as provide details of the nature of the refusal, and the name of the point of sale personnel who refused the sale. The register shall be retained for a period of one year from the date of the last entry. The refusals book/register shall be produced on request to a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003.
- 7.13 At least once a week, the DPS or other authorised personnel shall;
- Examine the record and compare any changing refusals patterns on a weekly basis, including any patterns that may be unique to individual point of sale personnel
 - Indicate in writing any action taken in relation to the examination
 - Sign off/endorse the record to indicate that the two preceding bullet point measures have been undertaken
- 7.14 A digital CCTV recording system shall be installed on the premises. The system shall be kept secure, to be accessed only by the PLH or other specifically designated member of staff.
- 7.15 All authorisations for the purposes of paragraphs 7.14 and 7.15 must be in writing and shall be retained on the premises at all times, and shall be produced on request to a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003.

- 7.16 The CCTV system installed at the premises shall be positioned so as to secure sufficient coverage over all internal and external parts of the premises to which the public have access. The system installed shall also be capable of enabling the premises' personnel to monitor the premises both internally and externally by way of a monitor strategically positioned inside the premises.
- 7.17 The CCTV system installed at the premises must be operational at all times when the premises are open for licensable activities. It must be maintained in good working order, and in particular any faults it develops must be repaired as soon as possible. Maintenance related paperwork, demonstrating the PLH's due diligence in maintaining the system, should be retained during the operational life of the system, and be produced on request for inspection to a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003.
- 7.18 The CCTV system installed at the premises must be maintained in good working order. All recordings shall be retained for a minimum period of 21 days and shall be made available to view at any reasonable time by a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003, who may also obtain a copy if required.
- 7.19 The DPS and any authorised premises personnel must be able to retrieve and copy any recordings/images at the time of a request, or within 48 hours, if so required. (The Police will not meet the cost of a recording or for materials used for a reproduction of images in respect of any crime and disorder incidents arising on the premises, in which event all costs are to be met by the premises licence holder. If the incident was unrelated to the premises, the retrieval, if a cost is incurred, will be met between the agencies requiring the image).
- 7.20 All digital recordings shall be made in real time i.e. no time lapse recordings shall be made.
- 7.21 The DPS will take steps to secure that groups of people do not congregate outside the premises to the annoyance of the general public. Any such steps will be recorded in a 'Condition 7.21 Register'. The register shall be produced on request to a police constable or other authorised person, as defined within section 13 of the Licensing Act 2003.
- 7.22 As far as practicable, all alcoholic stock shall be marked so as to be identifiable from Babington Convenience Store.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

- 8.1 A 'Challenge 25' age policy in relation to the sale and/or supply of alcohol shall be applied to the premises.
- 8.2 A refusals book will be operated at the point of sale in accordance with paragraph 7.13.

9. The reasons for this decision are as follows:
 - 9.1 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 responsible authorities and interested parties.
 - 9.2 The Sub-Committee felt it was reasonable and proportionate to allow the application subject to the conditions specified which are imposed to address the Licensing Objectives.

MINUTES END