

Time commenced:10.05am
Time adjourned: 10.57am
Time recommenced: 11:36am
Time finished:11:44am

**GENERAL LICENSING SUB COMMITTEE
5 MAY 2009**

Present: Councillors Redfern, Baxter and Berry

60/08 Appointment of Chair

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

61/08 Apologies

There were no apologies for absence received.

62/08 Late Items Introduced by the Chair

There were no late items.

63/08 Declarations of Interest

There were no declarations of interest.

**64/08 Application for a review of the premises licence at
The Woodlark Public House, 76/80 Bridge Street,
Derby, DE1 3LA**

The Committee considered a report from the Director of Environmental Services for an application for a review of the premises licence at The Woodlark Public House, 76/80 Bridge Street, Derby, DE1 3LA. An application for a review of the premises licence was received on 16 March 2009 from Derbyshire Constabulary. A copy of the application was attached at Appendix 2 of the report. The requested licensable activity were indoor sporting events, live music, recorded music, entertainment of a similar description, facilities for dancing and sales of alcohol.

Findings of Fact

5 Findings :

5.1 There were relevant representations from Derbyshire Constabulary, a responsible authority, relating to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm, on the basis of which it was considered

that these objectives have been, or are likely in future to be, undermined, without more;

5.2 On 27th February 2009 and 13th March 2009 there were persons under the age of 18 on the premises who were seen to be consuming alcohol witnessed by police officers;

5.3 That the Premises had failed a test purchase on 27th February 2009 and 13th March 2009, factors which were capable of going to the licensing objective of protection of children from harm;

5.4 That the Designated Premises Supervisor had changed since 2nd April 2009

5.5 The premises licence holder has proposed sufficient mechanisms to now be applied to the operation of the premises, effective enough to address the concerns raised by the Police, and the problem with underage sales, and underage drinking and therefore satisfied the Sub-Committee that there had been improvements since the application of those mechanisms;

6. The Sub-Committee has RESOLVED to:

- **Modify the conditions of the licence consistent with the application by adding and inserting the following provisions:**

6.1 A 'Challenge 25 Scheme' will be operated by the premises and all staff employed at the premises will be trained on the use and operation of the scheme. Only valid forms of identification will be accepted as proof of age. These include any 'PASS' accredited identification, a passport, or a photo card driving licence.

6.2 A staff training procedure will be adopted to ensure that all staff are given regular training highlighting procedures regarding the sale of age restricted products, particularly the social and legal responsibilities of selling and supplying alcohol. Specific licensing offences should be outlined and all staff should be made aware of their personal responsibilities with regard to selling alcohol to for example persons under the age of 18 and persons who are drunk.

6.3 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. 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.

- 6.4 Open containers containing alcohol will not be allowed to be taken from the premises save for containers taken for consumption in the beer garden.
- 6.5 There will be no under 18's permitted in the premises after 20.00 hours or at times when a substantial table meal is not available.
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 responsible authority and the premises licence-holder.
- 7.2 The Sub-Committee felt it was reasonable and proportionate to impose reasonable conditions specifically to overcome the concerns raised by Derbyshire Constabulary that the premises was being used by persons under the age of 18 to obtain alcohol without being challenged by staff.
- 7.3 The premises have been involved in the sale of alcohol to under 18's and in order to protect the interests of persons under the age of 18 and prevent crime and disorder, prevent public nuisance and protect children from harm the conditions have been agreed and imposed to uphold the licensing objectives.
- 7.4 The Sub Committee are appreciative of the work done in this case by Derbyshire Constabulary and equally as appreciative of the swift reaction by Enterprise Inns to deal with this matter and trust that all responsible authorities will work together to avoid repetition of underage alcohol sales in the future. The Sub Committee would expect that the premises licence holder remain reactive to any incidents within their premises but also are proactive as outlined at the hearing.

MINUTES END