

Time commenced: 10.08am
Time finished:

**GENERAL LICENSING SUB COMMITTEE
15 DECEMBER 2008**

Present: Councillors Leeming, Redfern and Hird.

33/08 Appointment of Chair

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

34/08 Apologies

There were no apologies received.

35/08 Late Items Introduced by the Chair

There were no late items.

36/08 Declarations of Interest

The members of the Sub Committee informed the responsible authorities and interested parties that Councillor Bayliss was known to them as he was a fellow Councillor.

37/08 Application for a review of a premises licence at the One Stop store at 108 Keldholme Lane, Alvaston, Derby, DE24 0RY

The Committee considered a report from the Director of Environmental Services on an Application for a review of a premises licence at the One Stop store at 108 Keldholme Lane, Alvaston, Derby, DE24 0RY. An application for a review of a premises licence was received from Councillor Bayliss on 28 October 2008. A copy of the application is attached Appendix 2.

The Sub-Committee has considered an application for the review of the Premises Licence for One Stop store, 108 Keldholme Lane, Alvaston, Derby, DE24 0RY.

The Sub-Committee has heard evidence from: Councillor Paul Bayliss (Ward Representative) Sgt Nev Stocks, PCSO Lockett, Sgt Bateman, Mike Kay – Environmental Health, Rachel Lyne – Solicitor, Aaron Steadmans – Licensing Manager, Andy Ketchell – Area Manager and Sharon Madden – Store Manager and has taken into account the verbal and 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. The Sub-Committee has **RESOLVED** to:

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

5.1 CCTV

You must maintain the CCTV system on the Premises in good working order of a standard to produce as evidence if required.

A CCTV system incorporating recording will operate throughout the whole of each period the premises are open. The system will provide for recording of all cameras simultaneously. The recording will be kept for a period of 21 days and will be provided to the Police upon request and any other prosecuting enforcement agency.

5.2 The Licence Holder will adopt a Think 25 policy, regularly train its staff in the implementation of it and monitor compliance within the store. This 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.

5.3 The till in use at the premises shall have a working system that alerts staff to the need to verify the age of a prospective purchaser whenever an alcohol product is presented for purchase.

5.4 Any incidents of crime witnessed by the Designated Premises Supervisor or a Premises Licence Holder that is employed by the premises to be reported to the Police as soon as practicable.

5.5 A Personal Licence Holder will be present and on site everyday that the shop is open, save for absence in the case of for example illness or any other unavoidable circumstances.

5.6 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.

5.7 The Designated Premises Supervisor and any Premises Licence Holder shall ensure that any member of staff involved in the retail sale of alcohol or any other age related products shall receive training in accordance with One Stop Shop Store Procedures Manual – Licensing and Trading Restrictions Index for the time being in force.

Findings :

6 There were relevant representations from Councillor Bayliss, the Police - a responsible authority, relating to the licensing objectives of the protection of children from harm and crime and disorder on the basis of which it was considered that these objectives have been, or are likely to be in future to be, undermined, without more conditions 5.1 to 5.4;

6.1 The Licensing Sub Committee of its own motion resolved to impose conditions 5.5 to 5.7 as it was felt that the company policies which had existed were not being strictly adhered to. The Sub Committee feel that these conditions are proportionate;

6.2 That the Premises had failed 2 out of 7 test purchases in the period July 2007 – September 2008, a factor which was capable of going to the licensing objective of protection of children from harm;

6.3 That the company had proposed sufficient mechanisms to be applied to the operation of the premises, effective enough to address the concerns raised by Councillor Bayliss and the Police, and the problem with underage sales and crime and disorder, and therefore satisfied the Sub-Committee that there had been changes since the application of the voluntary action plans.

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 licence-holder.

7.2 The Sub-Committee felt it was reasonable and proportionate to accept that reasonable conditions could overcome the concerns raised.

- 7.3 The premises are predominantly within a residential area and in order to protect the interests of neighbouring residents and prevent public nuisance the Sub-Committee felt it necessary to impose the conditions as stated on the licence.

MINUTES END