

SHOPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 8 September 2014

**2.00 - 3.35 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present

Councillors Joyce Barrow, Peter Cherrington and Roger Hughes

13 Election of Chairman

RESOLVED:

That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

14 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

15 Application for a Review of a Premises Licence - Drink Stop, Unit 3 Brownlow Street Parade, Whitchurch

Consideration was given to an application for a Review of a Premises Licence in respect of Drinks Stop, Unit 3 Brownlow Street Parade, Brownlow Street, Whitchurch.

Ms. Louise Prince (Solicitor – Shropshire Council), Mr A Tiwana (The Licence Holder); The Licence Holder's Solicitor; Mr G. Tunnadine (Applicant - Shropshire Council's Trading Standards Team Manager – Investigations); and Mr S. Ditton (Shropshire Council's Public Protection Officer - Specialist); were present.

At the request of the Licence Holder, additional information was circulated with the agreement of those present.

The Trading Standards Team Manager – Investigations addressed the Sub-Committee, advising that he had made the application for a review of the Premises Licence of Drinks Stop on the grounds that the current operation of the premises undermined the Protection of Children from Harm Licensing Objective. The circumstances that led to the application for a review of the premises licence were summarised.

In response to questions from the Licensing Holders Legal Representative and Members of the Sub-Committee the Team Manager – Investigations confirmed that;

- There were no entries in the refusals log prior to the date of the first failed test purchase; and
- CCTV images were provided upon request following the second failed test purchase, however the footage consisted of adhoc images and was not useful to Officers.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for the review had been accepted as a valid application and outlining the options for consideration by the Sub-Committee.

The Licence Holder addressed the Sub-Committee, describing the circumstances that led to two failed test purchases. The Premises, Drinks Stop was a specialist off licence, selling fine wines and real ale. Young people were not encouraged to enter the premises and the premises closed at 8.00 p.m. so that it did not attract young revellers. He was an experienced business man and ran other premises within the West Midlands, he only employed experienced staff who were local to the area.

In response to questions from the Applicant (Trading Standards) and Members of the Sub-Committee, the Licence Holder confirmed that;

- The failed test purchase on 18th February was a result of human error, the Licence Holder confirmed that the shop was busy at that time and his concentration lapsed;
- A Challenge Policy was in operation before the first failed test purchase, however the Challenges were not being documented;
- The second failed test purchase was a result of mistaken identity, the Licence Holder believed the purchaser had previously produced identification;
- A Challenge 25 Policy had been in operation since the store had opened; and
- He and his employees relied on memory when serving customers.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 15:10 and reconvened at 15:34 to announce their decision.

RESOLVED:

1. That the following Conditions (recommended by Trading Standards) be added to the Premises Licence;

- i) The Designated Premises Supervisor to undertake training to include a BIIAB or an equivalent recognised licensee course. Copies of all training certificates to be made available, on request to a responsible authority.
- ii) Implementation of refresher training on a 6 monthly basis for all staff with comprehensive records to be maintained and made available on request, to a responsible authority.
- iii) To employ the services of an external agency to test how robust the organisation is at enforcing the 'Challenge 25 Policy'. This is to consist of 4 anonymous test purchase style visits over a 12 month period (October 2014 to September 2015) with at least two visits in the first six months and two visits in the last six months. All results to be submitted to Shropshire Licensing on receipt. This to be repeated year on year until a 100% success rate has been achieved during a 12 month period.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Reason:

The Sub-Committee had read all of the submitted documents and considered all the representations made by the parties, at the hearing.

The Sub-Committee had also taken into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy. The Sub-Committee were concerned that the Licensing Holder admitted to relying on memory when serving customers and this was not reliable. The Sub-Committee warned the Licence Holder that if he were to appear before the Sub-Committee again, these matters would be taken in to consideration.

The Sub-Committee considered, in order to enforce the licensing objective of protection of children from harm, the additional conditions to be appropriate and proportionate, having considered the serious nature of the breaches of the licensing conditions.

Signed (Chairman)

Date: