

SHOPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 2 February 2015

**11.00 - 11.47 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Emily Marshall

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Present

Councillors Joyce Barrow, Andrew Davies and Vivienne Parry

25 Election of Chairman

RESOLVED:

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

26 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.

27 Application for a Review of a Premises Licence - Albrighton Post Office and Convenience Store, 31-33 Station Road, Albrighton

Consideration was given to an application for a Review of a Premises Licence in respect of the Albrighton Post Office and Convenience Store, 31-33 Station Road, Albrighton, WV7 3QG.

Ms. Louise Prince (Solicitor – Shropshire Council); Mr G Tunnadine (Applicant – Trading Standards, Shropshire Council) and Mr S. Ditton (Public Protection Officer (Specialist) - Shropshire Council) were present. The Licensing Holder was not in attendance and the Committee agreed that the application should be considered in their absence as the required notifications had been sent.

Mr Grant Tunnadine (Applicant – Trading Standards) addressed the Sub-Committee, stating that the application for a review of the Premises Licence was made on the grounds that operations at the premises undermined the Protection of Children from Harm Licensing Objective. He described the background to the application and the developments that had taken place since the application had been made. In response to questions, the applicant confirmed that he would like to see additional conditions being added to the Licence. A list of additional Conditions was circulated to Members.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for the review had been accepted as a valid application and that representations had been received during the consultation period. The Public Protection Officer (Specialist) provided details of the correspondence that had been sent to the Licence Holder.

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 11:31 and reconvened at 11:47 to announce their decision.

RESOLVED:

1. That the Premises Licence be suspended for 28 consecutive days commencing 2nd March 2015.

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

2. Mr Anwar and any other person working within the store to undertake a BIIAB or an equivalent recognised licensee course within 3 calendar months of 2nd March 2015 and prior to effecting alcohol sales. Copies of the training certificates to be retained and made available, on request, to a 'responsible' authority.
3. Any new employees to undertake a BIIAB or an equivalent recognised licensee course within 3 calendar months of commencement of employment. Copies of the training certificates to be retained and made available, on request, to a 'responsible' authority.
4. The full implementation, within 28 days of 2nd March 2015, of a Challenge 25 policy utilising approved photo ID namely a passport, 'PASS accredited ID' or similar. In addition appropriate signage of the challenge 25 policy to be displayed within the premise advising of this policy and an appropriate till prompt reflecting this policy.
5. Implement, within 28 days of 2nd March 2015, a 'Refusals Log/Register' providing details of all refused sales with documented monthly reviews by management to include all actions initiated as a result of these reviews. This log and any documented reviews to be made available, on request, to a Responsible Authority.
6. All staff to receive refresher training on underage sales matters undertaken on a 6 monthly basis. The refresher training to include, as a minimum, the types of age restricted products on sale in the shop, information on the law concerning these age restricted products/sales, the internal operating practices in operation, the recording of refusals, store signage, challenge 25 policy and the acceptable forms of ID to be relied upon. Comprehensive records to be maintained and made available, on request, to a Responsible Authority.
7. To employ the services of an external agency to test how robust the organisation is at enforcing the 'challenge 25 policy'. This to consist of 4 anonymous test purchase

style visits undertaken over a 12 month period commencing April 2015 to March 2016, with at least two visits in the first six months and two visits in last 6 months. All results to be submitted to Shropshire Councils Licensing Team 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 considered that the nature of the offence and the further incidents of underage sales were so serious that in order to promote the licencing objective of protection of children from harm, and to encourage the better management of the premises the measures and additional conditions were appropriate and proportionate.

Signed (Chairman)

Date: