

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 5 April 2017

**1.30 - 2.51 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Andrew Davies, Nic Laurens and Keith Roberts

16 Election of Chairman

RESOLVED:

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

17 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.

18 Exclusion of Public and Press

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

19 Application for a Review of a Premises Licence

The Licence Holder, the Applicant (Trading Standards – Shropshire Council), the Public Protection Officer and the Council's Solicitor were in attendance.

The Chairman invited the applicant to present their case. The applicant provided the Committee with background information relating to the premises and the circumstances that led to the submission of an application for a review of the premises licence. These included initial reports of alcohol sales to minors, two failed test purchases, failure to provide CCTV footage upon request and failure to provide a challenge register or a refusals log. The applicant confirmed that legal proceedings against the License Holder had commenced.

The Chairman adjourned the meeting at 1:40 p.m. and reconvened at 1:43 p.m. to allow copies of the application for the review of the premises licence to be copied and circulated to all parties present at the hearing.

The Applicant responded to questions from the Sub-Committee and the Council's Solicitor, confirming that following the failed test purchases a blank refusals register had been given to the Licence Holders. The applicant outlined a set of conditions that he recommended be added to the Premises Licence.

The Chairman invited the Public Protection Officer (Professional) to present their case.

The Chairman invited the Licence Holders to present their case. The Licence Holder provided information on the general running of the business, including staffing and the circumstances that had led to the breaches of the Premises Licence. The Licence Holder explained that the family member, who was the Designated Premises Supervisor, had been running the business at the time of the complaints and the failed test purchases and the issues referred to by the Applicant and the Public Protection Officer were genuine mistakes, resulting from a lack of training. The Licence Holder confirmed that staff needed more formal training and reassured the Sub-Committee that they would do their best to ensure that similar issues did not happen in the future.

In response to questions by the applicant and members of the Sub-Committee the Licence Holder confirmed that she was now more involved in the business, improvements had been made to the general running of the premises, the premises licence was now on display and CCTV was in operation and footage could be provided upon request. Finally, the Licence Holder confirmed that they understood their joint responsibility with the Designated Premises Supervisor to uphold the conditions set out in the Premises Licence.

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 2:26 p.m. and reconvened at 2:48 p.m. to announce their decision.

RESOLVED:

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

The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The decision is as follows:

The conditions as recommended by Trading Standards will be added to those on the Premises Licences with the amendment to Condition 1 to extend the period of suspension of the Premises Licence to 3 months. These are:

1. That the Premises Licence be suspended for a period of 3 months;
2. The removal of the current Designated Premises Supervisor (DPS) for the premises

3. Any individual undertaking any work involving the sale of goods to the public within the premises, whether paid or not, to either hold or to be in the process of obtaining a BIIAB or an equivalent recognised licensee course. Copies of the course certificates to be retained and made available on request, to a responsible authority or in the case of an individual undertaking a course to provide adequate evidence of the individual's participation.
4. All individuals working at the premises to undertake refresher training on underage sales matters every 6 months. The refresher training to include, as a minimum, the types of age restricted products on sale in the shop, information on the law concerning age restricted products/sales, the internal operating practices in operation, the recoding 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.
5. 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 four anonymous test purchase style visits in the first six months and two visits in the last six months. All results to be submitted to Shropshire Council's Licensing Team on receipt. This is to be repeated year on year until a 100% success rate has been received during a twelve month period.
6. The Premises Licence Holder and the DPS to undertake training in the operation of CCTV.

Reasons

The Sub-Committee considered, in order to enforce the licensing objective of protection of children from harm the decision to be reasonable, necessary and proportionate having considered the serious nature of the breaches of the licensing conditions and the serious concerns they had regarding the management of the premises. By suspending the licence, the licence holder would have the opportunity to ensure that all staff are adequately trained to prevent further breaches.

The parties were advised that the decision would be confirmed in writing within 5 working 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.

Signed (Chairman)

Date: