

M M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **1 DECEMBER 2011**

PRESENT:-

Councillor Dass (Chair)
Councillors Angus and Claymore (substitute for Councillor Banger)

OFFICERS IN ATTENDANCE:-

| | | |
|-----------|---|------------------------------------------------------|
| L Banbury | - | Democratic Support Officer, Delivery |
| L Cross | - | Principal Solicitor, Delivery |
| R Edge | - | Section Leader (Licensing), Education and Enterprise |

Wolverhampton
City Council



PART 1 – OPEN ITEMS

Licensing Act 2003 – Review of a Premises Licence
Spar, 7-11 Aspen Way, Merridale, Wolverhampton (Appendix 58)

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In Attendance
For the Premises
Mr K Sangha

Applicant for Review
Mr P Dosanjh

The Chair introduced the Sub-Committee and all parties were introduced to the meeting. He then outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance. Copies of revised proposed due diligence conditions, drawn up by Trading Standards, were circulated at the meeting and were intended to replace those at Appendix 3 of the report.

At this juncture, Mr Dosanjh outlined the application for review as detailed at Appendix 3 of the Licensing Officer's report. With regard to the revised due diligence conditions, he advised that No.6 should refer to the age 21 and not 25.

All parties were afforded the opportunity to question Mr Dosanjh.

At this juncture, Mr Sangha made his representations and, in so doing, advised that he would implement any of the due diligence conditions not already in place. With regard to the CCTV provision, this was due to be upgraded the following week.

All parties were afforded the opportunity to question Mr Sangha.

Mr Dosanjh and Mr Sangha made final statements. Mr Sangha advised that he was happy to implement the 2nd due diligence condition proposed at No.9.

Exclusion of Press and Public

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Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

PART II - EXEMPT ITEMS

Deliberations and Decisions

149 The Sub-Committee discussed the issues which had been raised during the review of the Premises Licence.

 The Solicitor advised them of the options open to them in determining the application.

Re-Admission of Press and Public

150 Resolved:-
 That the press and public be readmitted to the meeting.

PART I - OPEN ITEMS

Announcement of Decision

151 All parties returned to the meeting room and the Chair briefly outlined the following decision of the Sub-Committee, which would be notified in writing to the holder of the Premises Licence, the applicant for the review and the West Midlands Police within 5 working days:-

 An application has been made by Trading Standards for a review of the Premises Licence in respect of Spar, 7-11 Aspen Way, Wolverhampton.

 At this hearing to review the Premises Licence, the Licensing Sub-Committee have listened carefully to all representations made by the persons who have spoken at the hearing. Having regard to the application and relevant representations, the Sub-Committee have decided to modify the conditions of the Licence permanently, as follows:-

 The conditions currently on the Licence under the heading 'Protection of Children from Harm' will be removed and replaced with the following conditions, agreed between Trading Standards and the Premises Licence Holder at the meeting:-

1. All persons selling alcohol must be properly trained before they are allowed to sell any alcohol to the public. Records must be kept of training by the Premises Licence Holder (PLH) or the Designated Premises Supervisor (DPS). Persons selling alcohol must be authorised in writing by the DPS following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an officer of a Responsible Authority.

2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an officer of a Responsible Authority.
3. A 'Challenge 21' and 'No ID No Sale' policy, which is supported with signage at all entrances and in the service area, must be implemented.
4. Only documents which include a photograph of the purchaser should be used to prove that persons age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate Card or Citizen's Card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The PLH or DPS must monitor the Log on a regular basis and sign it to show it has been done. The Log must be kept on the Premises during opening hours and must be made available on request to an officer of a Responsible Authority.
6. A till prompt must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 21.
7. CCTV must be installed and recording kept at the licensed Premises for the maximum period the system will allow, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an officer of a Responsible Authority.
8. Persons under 18 who serve at the till must receive the same training as for those over 18, with the addition of being trained not to sell alcohol without specific approval for each individual sale from a Responsible Person. Records must be kept of training by the PLH or DPS. Persons selling alcohol must be authorised in writing by the DPS following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an officer of a Responsible Authority.
9. The electronic tills are to be set up in such a way that, where the seller is under 18, a person over 18 who has been authorised in writing by the PLH or DPS to approve or decline the sale of alcohol by a person under the age of 18 must enter their logon id and password for the sale to continue. All employees must have their own unique logon id and password.

The above actions are considered as necessary and proportionate action for the promotion of the protection of children from harm licensing objective.

An appeal may be made to the Magistrates' Court against the decision, by the applicant, the holder of the Premises Licence, or any other person who made a relevant representation, within 21 days from the receipt of written notice of this decision.