

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **2 FEBRUARY 2012**

PRESENT:-

Councillors Dass (Chair) Judith Rowley and Wilson

OFFICERS IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
S Hardwick	-	Senior Solicitor, Delivery
E Moreton	-	Section Leader (Licensing), Education and Enterprise

Wolverhampton
City Council



Licensing Act 2003 – Review of a Premises Licence
New Cross One Stop Shop, 315-317 Wolverhampton Road,
Wolverhampton (Appendix 25)

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In Attendance

Applicant for Review

W Humphries - Trading Standards

The Members were advised that the Premises Licence Holder had been unable to attend the hearing due to a burglary at the Premises the day previously. However, the Premises Licence Holder had signed up to a number of due diligence conditions recommended by Trading Standards, which would be added to the Licence should the Sub-Committee be minded to approve this course of action. Copies of the proposed conditions were circulated to everyone present at the hearing.

The Sub-Committee agreed to continue the hearing in the absence of the Premises Licence Holder and the Chair 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.

At this juncture Mr Humphries outlined the application for the review of the Premises Licence, as detailed at Appendix 3 to the Licensing Officer's report and answered questions raised by Members of the Sub-Committee and Officers as appropriate. On a point of clarification, the Solicitor advised that any conditions imposed by the Licensing Sub-Committee would take effect immediately.

Mr Humphries was afforded the opportunity to make a final statement.

The Sub-Committee had considered all the information presented to the meeting and the following decision was outlined at the hearing:-

An application has been made by Trading Standards for a review of the Premises Licence in respect of New Cross One Stop Shop, 315-317 Wolverhampton Road, Wolverhampton, WV10 0QQ.

At the hearing to review the premises Licence the Sub-Committee have listened carefully to the representations made by all persons who have spoken at the hearing. Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to modify the conditions of the Licence permanently.

The following conditions, agreed between Trading Standards and the Premises Licence Holder, will be attached to the Licence:-

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 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 25' and 'No ID No Sale' policy which is supported with signage at all entrances and in the serving areas 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 or notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.
7. CCTV must be installed and recordings 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 to an officer from a responsible authority on request.
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. No person under the age of 18 will be allowed to serve at the till unless there is a responsible person present who is in a position to observe and supervise all sales. Responsible persons means:-
 - the PLH,
 - the DPS, or
 - a person 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, their training must include the provisions of Section 153 of the Licensing Act 2003.

Or –

The electronic tills are 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 there own unique logon id and password.

The above action is considered 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 date on which written notice of this decision is received.