Minutes:

Presentation by the Licensing Officer:

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 4, 6, 7, 8, 9, 10 and 11 of the Statutory Guidance, and to Sections 5, 6, 7, 8, 9, 10, 16 and 19 of the Statement of Licensing Policy and appendices 7, 8, 9, 10 as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 154 of the agenda papers.

The Licensing Officer confirmed:

- The applicant was asking for the licence to be revoked.
- The application could be found on page 211 – 217
- A representation had been received in support of the review from the local health trust. This could be found on page 171 of the agenda papers.
- Invitation to the hearing was sent to the representative but attendance was not confirmed.
- Further supporting documents from the police had been submitted and these had been provided to the premises licence holder by hand delivery.

Presentation by the applicant:

Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- The premises had a rear yard which was being used by drug addicts and street drinkers. There was also anti-social behaviour in the area.
- A metal roller shutter had been put in place to stop people accessing and using the yard.

Upon discussion with the premises licence holder’s representative further conditions had been submitted and negotiated.

In response to questions from Members, Mr Conmy informed the Sub-Committee that:

- In relation to the newly submitted conditions, Condition 2 should be changed to allow records to be kept on site and condition 17 should be changed to not allow the sale of ale, ciders, lagers over 6.5% abv to be sold.
Presentation by the Premises Licence Holder

Mr David Dadds, representative of the Premises Licence Holder, informed the Sub-Committee that:

- He had agreed the condition in relation to the yard be made secure so as not to allow unauthorised members of the public access to the area. Money had been spent installing a shutter.

- He had agreed the condition regarding beers, lagers and ciders being sold at the premises should not exceed 6.5% abv. However, this excluded premium products.

Adjournment and Decision

At 9:47pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy and Mr Dadds.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

RESOLVED: To grant the application and to impose the following conditions on the premises licence.

Conditions

1. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.

2. Refresher training shall be satisfactorily completed every twelve months for all staff and documented within the training records. All training records are to be retained on premises and available for inspection for not less than two years and are to be made available to officers of the local authority or the police service upon reasonable request.

3. The premises licence holder will engage and operate the Challenge 25 scheme. Staff will not sell alcoholic drinks to any person who appears to be under the age of 25 unless they can provide photographic ID evidence showing them to be over the age of 18. The only acceptable forms of identification are a passport, photocard, driving licence or identification bearing the ‘PASS’ logo.

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service.
upon reasonable request. All refusals of sales of alcohol or other age restricted products are to be recorded in this refusal register.

5. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.

6. The CCTV coverage shall include coverage of; all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored is displayed.

7. The CCTV system shall be serviced regularly to ensure correct operation.

8. Signs shall be prominently displayed informing customers of the CCTV recording.

9. The CCTV system shall record throughout the hours that the premises are open for any licensable activity.

10. A staff member shall be present at all times during open hours who is trained in the use of the CCTV system and can download images and provide a copy recording on request by a police or local authority officer within no later than 48 hours of such request.

11. Patrons shall be requested not to congregate outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.

12. No open vessels shall be allowed off the premises.

13. No cups or vessels will be supplied to those purchasing alcohol.

14. The premises will actively participate and adhere to the BCRP, and will not sell alcohol to target street drinkers identified through the scheme.

15. The premises licence holder shall not purchase any alcohol from door to door sellers.

16. The premises licence holder shall ensure all receipts for goods brought include the following details:

   i. Sellers name and address.

   ii. Sellers company details, if applicable.

   iii. Sellers VAT details, if applicable.
Such receipts are to be made available to officers of the local authority or police service upon reasonable request.
17. The rear yard shall be made secure so as not to allow unauthorised members of the public access.
18. No beers, lagers or ciders to be sold in cans with an ABV exceeding 6.5% – except for premium products a list of which products shall be agreed in writing with the Police in advance.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application and to impose the abovementioned conditions. The Committee was satisfied that this was an appropriate and proportionate response to the matters engaged by this application. The Sub-Committee decided to grant the application due to the following reasons:

The Sub-Committee thanked the applicant and the premises licence holder to discuss and agree suitable arrangements. The review application would be granted and conditions would be imposed as agreed with amendments to some of the conditions. For condition 2, all training records would be retained on the premises and made available for inspection. In condition 14, the 'local shopwatch' would be changed to 'BCRP'. It was agreed that condition 16 would be changed to no beers, lagers or ciders to be sold in excess of 6.5% except for a list of products to be agreed with the Police and condition 17 would be changed to state that the yard would be secure so as not to allow unauthorised access.