

THE BOROUGH COUNCIL OF HAVANT

At a meeting of the Licensing Sub-Committee held on 12 April 2013.

Present:

Councillor M Johnston (in the Chair)
Councillors: B Gibb-Gray and Mrs M Smallcorn

For the Owners:

Mr Patel - Owner
Mrs Patel - Owner
Mr Walsgrove - Solicitor for the Applicant

For the Applicants for the Review:

Mr Worrall - Hampshire County Council Trading Standards
Mr Lawford - Hampshire County Council Trading Standards

Officers:

Hannah Newbury - Senior Solicitor
Hannah Goodman - Senior Goodman
Lorna Read - Licensing Team Leader
Gerry Thorne - Licensing Officer
Mark Gregory - Democratic Services Officer
Tristan Fieldsend - Democratic Services Assistant

1 DECLARATIONS OF INTERESTS

There were no declarations of interests from any of the members present.

INTRODUCTION AND PROCEDURE

Prior to hearing the applications for review the Chairman outlined the procedure for the hearings (Minutes 2 and 3) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

Mr Walsgrove confirmed that he wished to address the hearings on behalf of Mr and Mrs Patel.

Mr Worrall and Mr Lawford confirmed that that they wished to address the hearings on behalf of Hampshire County Trading Standards.

All parties agreed to Ms H Goodman, Assistant Solicitor, and Mr T Fieldsend, Democratic Service Assistant, accompanying the Sub Committee when it retired to determine the hearings for observation and training purposes only.

2 APPLICATION FOR REVIEW OF PREMISES LICENCE, SELECT AND SAVE, 126-128 PARK HOUSE WAY, LEIGH PARK

The following documents were submitted to the Sub-Committee:

- (i) A report from the Licensing Officer;
- (ii) Notice of Hearing and enclosures;
- (iii) Application for a Review;
- (iv) Statement submitted by the Police;
- (v) Statement submitted by the Licence Holder; and
- (v) Steps agreed by the licence holder, Hampshire County Council Trading Standards and the Council's Licensing Team.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and the representations received. In response to a question raised by Mr Walsgrove and after receiving clarification from Mr Worall, the Licensing Officer withdrew his comments relating to the continued absence of Mr Patel from the premises.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

In response to a question raised by Ms Newbury, Mr Walsgrove confirmed that in the event that the Council agreed to the steps set in (v) above, Mr. and Mrs. Patel would undertake to apply for Mrs Patel to replace Mr. Patel as the Premises Licence Holder during the twenty one day appeal period.

3 APPLICATION FOR REVIEW OF PREMISES LICENCE, STOP AND SHOP, 407 MIDDLE PARK WAY, LEIGH PARK

The following documents were submitted to the Sub-Committee:

- (i) A report from the Licensing Officer;
- (ii) Notice of Hearing and enclosures;
- (iii) Application for a Review;
- (iv) Statement submitted by the Police;

- (v) Statement submitted by the Licence Holder; and
- (v) Steps agreed by the licence holder, Hampshire County Council Trading Standards and the Council's Licensing Team.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the Application and the representations received.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

In response to a question raised by Ms Newbury, Mr Walsgrove confirmed that in the event that the Council agreed to the steps set in (v) above, Mr. and Mrs. Patel would undertake to apply for Mrs Patel to become the Premises Licence Holder and the Designated Premises Supervisor in place of Mr. Patel during the twenty one day appeal period.

**The Sub-Committee adjourned from 10.22am until 11.06 am
to consider the Application**

RESOLVED that

- (A) having accepted the undertaking by Mr. and Mrs Patel that an application would be submitted by Mrs Patel to become the Premises Licence Holder for Select and Save, 126-128 Park House Farm, and having considered the application for review by Hampshire County Council Trading Standards, the following steps be undertaken in relation to Select and Save:
 - (a) The premises licence be suspended for a period of twenty eight days from the date this decision comes into effect under Section 52(11) of the Licensing Act 2003 (as amended)
 - (b) The premises licence be amended to include the following conditions:
 - (1) Any member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or equivalent course within 3 months of the commencement of their employment, or within such other period of time agreed by Hampshire County Council Trading Standards Department. Thereafter the member of staff will receive refresher training regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication, every 6 months. Records of this training will be kept which should be signed and dated by the member of staff who received that training. All training records will be made available immediately upon the request of Hampshire Constabulary or any other

responsible authority. Training records will be kept on the licensed premises to which they relate for a minimum period of two years.

- (2) The designated premises supervisor will pass the Level 1 BIIAB Designated Premises Supervisor course or equivalent within 3 months of their appointment as the Designated Premises Supervisor.
- (3) A written log shall be kept of all refusals of age restricted products, including refusals to sell alcohol. This log will also record the sale of alcohol where the Challenge 25 policy has been applied and the customer has then produced appropriate identification allowing the sale to conclude. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor. The refusal log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any other responsible authority. Records of refusals will be retained for 12 months.
- (4) There will be a challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual who visually appears to be under the age of 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purpose of age verification will include a driving licence, passport or photograph bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.
- (5) The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance and exit.
- (6) The premises shall have a CCTV system which shall include the following features:
 - (i) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - (ii) CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity.

- (iii) All equipment shall have a constant and accurate time and date generation.
- (iv) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (v) The premises licence holder must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with i.e. password protected.
- (vi) Viewable copies of CCTV footage will be supplied to the police within 24 hours of their request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
- (vii) In the event of a technical failure of the CCTV equipment the premises licence holder or designated premises supervisor must report the failure to the police licensing unit within 24 hours.

The Sub Committee was satisfied that the above steps and additional conditions would adequately address the concerns raised by the Police and Hampshire County Trading and were proportionate.

The Sub Committee was satisfied that the additional conditions were necessary to promote the following licensing objectives:

- (1) crime and disorder;
 - (2) protection of children from harm; and
 - (3) prevention of public nuisance.
- (B) having accepted the undertaking by Mr. and Mrs Patel that an application would be submitted for Mrs Patel to replace Mr. Patel as the Premises Licence Holder and Designated Licence Holder of Stop and Shop, 407 Middle Park Way, and having considered the application for review by Hampshire County Council Trading Standards, the following steps be undertaken in relation to Stop and Shop:
- (a) The premises licence be suspended for a period of twenty eight days from the date this decision comes into effect under Section 52(11) of the Licensing Act 2003 (as amended);
 - (b) The current Designated Premises Supervisor be removed; and

- (c) The premises licence be amended to include the following conditions:
- (1) Any member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or equivalent course within 3 months of the commencement of their employment, or within such other period of time agreed by Hampshire County Council Trading Standards Department. Thereafter the member of staff will receive refresher training regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication, every 6 months. Records of this training will be kept which should be signed and dated by the member of staff who received that training. All training records will be made available immediately upon the request of Hampshire Constabulary or any other responsible authority. Training records will be kept on the licensed premises to which they relate for a minimum period of two years.
 - (2) The designated premises supervisor will pass the Level 1 BIIAB Designated Premises Supervisor course or equivalent within 3 months of their appointment as the Designated Premises Supervisor.
 - (3) A written log shall be kept of all refusals of age restricted products, including refusals to sell alcohol. This log will also record the sale of alcohol where the Challenge 25 policy has been applied and the customer has then produced appropriate identification allowing the sale to conclude. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor. The refusal log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any other responsible authority. Records of refusals will be retained for 12 months.
 - (4) There will be a challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual who visually appears to be under the age of 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purpose of age verification will include a driving licence, passport or photograph bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.

- (5) The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance and exit.
- (6) The premises shall have a CCTV system which shall include the following features:
 - (i) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - (ii) CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
 - (iii) All equipment shall have a constant and accurate time and date generation.
 - (iv) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - (v) The premises licence holder must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with i.e. password protected.
 - (vi) Viewable copies of CCTV footage will be supplied to the police within 24 hours of their request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
 - (vii) In the event of a technical failure of the CCTV equipment the premises licence holder or designated premises supervisor must report the failure to the police licensing unit within 24 hours.

The Sub Committee was satisfied that the above steps and additional conditions would adequately address the concerns raised by the Police and Hampshire County Trading and were proportionate.

The Sub Committee was satisfied that the additional conditions were necessary to promote the following licensing objectives:

- (1) crime and disorder;
- (2) protection of children from harm; and

(3) prevention of public nuisance.

(After the decisions had been read to the parties, Mr. Lawford queried the licensing objectives which had been referred to in the decisions, as protection of children from harm, on which the reviews were based, had not been mentioned. Accordingly in the presence of and with the agreement of the parties the Sub-Committee amended reference in both decisions to crime and disorder, protection of children from harm, and prevention of public nuisance. The decisions set out above are the decisions as amended.)

The meeting commenced at 09.00am and concluded at 11.12am