

HAVANT BOROUGH COUNCIL

Licensing Sub-Committee

20 June 2017

Licensing Act 2003 – Application for Review of a Premises Licence
Milpol Ltd, Unit 19, Greywell Shopping Centre, Greywell Road, Leigh Park,
Havant, PO9 5AH.

Licensing Officer – Penny Rogers

FOR DECISION

1.0 Purpose of Report

To consider an application for a review of a Premises Licence made under s(51) of the Licensing Act 2003, as amended.

2.0 Recommendation

On considering the application the Licensing Sub-Committee shall take one or more of the following actions

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Suspend the licence for a period not exceeding three months;
- d) Remove the designated premises supervisor (not applicable in this case);
- e) Revoke the licence.

3.0 Summary

Hampshire Constabulary has applied to review the Premises Licence for the Milpol Ltd, Unit 19, Greywell Shopping Centre, Greywell Road, Leigh Park, Havant, PO9 5AH under the grounds of the licensing objectives:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

The Police have concerns regarding the control and operation of the store relating to the Licensing Objectives and in particular the role that management has played in the running of the store.

This is due to incidents that occurred at the store, including:

- operating without an active DPS in place;
- a failed test purchase;
- a lone member of staff aged 16 working in the store;
- a failure to provide CCTV for viewing;

- Failing to cooperate with the Police;
- Breaching the conditions on their Premises Licence.

The Police are requesting that the Premises Licence be revoked.

The review application is shown in full in Appendix C.

The store is an off licence. The Designated Premises Supervisor (DPS) was Mr Piotr Dudak, who has a personal licence number 11182 issued by Arun District Council. Mr Piotr Dudak was the DPS from 04 July 2016 until 13 April 2017 when he requested to be removed as DPS. Since 13 April 2017 there has been no DPS.

The premises at this time was authorised for the following **activities**

Activity	Days	Hours
The sale of alcohol for consumption off the premises	Monday – Friday	0900 to 2100 hours
	Saturday – Sunday	0900 to 1900 hours

Mandatory conditions and the following conditions were applied to this licence:

PREVENTION OF CRIME AND DISORDER

Responsible Person: The premises licence holder shall ensure that when alcohol is available for sale and a Personal licence holder is not present at the premises, a responsible person aged over 18 shall be present who has written authorisation from the DPS to sell alcohol. This person shall be trained in licensing matters and be competent to deal with all licensing issues that may arise within the premises. This person's training shall be documented and made available to the Police and other responsible authorities upon request.

Refusal/incident book: The premises licence holder shall ensure that a refusals book/incident book or log is maintained at the premises. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request

Training: The premises licence holder shall ensure that a training package is in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales / ID verification and the refusal of alcohol sales to drunk persons. Records shall be kept of this training, dated and signed by the staff member and trainer. Refresher training shall be completed at least every 12 months again with documented records made and to be available for inspection from Police and other responsible authorities. A written record shall be retained and at each bar to show the staff that have been authorised to sell alcohol. This shall be made available to the Police and other responsible authorities on request.

Challenge 25: The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking

to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. 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.

CCTV: The premises licence holder shall ensure that recordable CCTV is in place when licensable activity is taking place. This must be of a standard acceptable to the local Police. There shall be sufficient cameras to cover all primary public areas in addition to cameras covering the entrance and exit areas. Imagery obtained must be retained for a minimum of 31 days on a rolling basis. This must be made available in a format that can be viewed by Police and council officials and must be given to them on request.

4.0 Responsible Authorities

Hampshire County Council Trading Standards Service have made representations. These are shown in full in Appendix D.

5.0 Subject of Report

The Committee is obliged to determine this application with a view to promoting the Licensing Objectives, which are:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance;
- The Protection of Children from Harm.

In making its deliberations, the Committee is obliged to have regard to the Councils own Licensing Policy and National Guidance. The Committee must also have regard to the representations that have been made balanced against the evidence that it hears.

The Committee must take one of the following steps, as it considers necessary for the promotion of the Licensing Objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Suspend the licence for a period not exceeding three months;
- d) Remove the designated premises supervisor (not applicable in this case);
- e) Revoke the licence.

6.0 Legal:

This review is carried out under s(51) of the Licensing Act 2003.

Under s.52(2) the council has to hold a hearing to consider any relevant representations.

Under s.52(3) the council must have regard to the application and any relevant representations and take the above steps as it considers appropriate for the promotion of the Licensing Objectives.

7.0 Consultation

The Police have forwarded their review application to those they consider are responsible authorities which includes Havant Borough Council.

The Council has displayed the advertisement for the requisite 28 day consultation period.

Appendices:

Appendix A – Notice of Hearing

Appendix B – Hearings Procedure

Appendix C – Application for a review of a Premises Licence

Appendix D – Representation from Trading Standards

Agreed and signed off by:

On behalf of Legal Services: Alex Kirk 12 June 2017

Head of Neighbourhood Support: Natalie Meagher 12 June 2017

Contact Officer: Penny Rogers
Job Title: Licensing Officer
Telephone: 02392 446657
E-Mail: penny.rogers@havant.gov.uk