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LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 6 JANUARY 2011

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Present: Councillors Drake and Parnell (Chair) and Thomas.

48. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of this meeting.

49. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decision.

50. **APPLICATION FOR REVIEW OF PREMISES LICENCE - DABS CASH AND CARRY, 19 ADDIS SQUARE, PORTSWOOD ROAD, SOUTHAMPTON, SO17 2NE**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application from Hampshire Constabulary to review the premises licence in respect of Dabs Cash and Carry, 19 Addis Square, Portswood Road, Southampton, SO17 2NE. (Copy of report circulated with agenda and appended to signed minutes).

Mr Newport Counsel for DABs Cash and Carry and Mr Ojo owner of DABs Cash and Carry were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED**

- (i). that the licence allowing the sale of alcohol at the premises be suspended for a period of one month as a deterrent and to allow time to instigate the additional conditions as set out in (ii) below; and
- (ii). that the following additional conditions as requested by Trading Standards be attached to the licence:-

- 1. The holder of the premises licence shall 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 means of identification acceptable to the Licensing Authority proving that the individual to be 18 years of age or older. 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. Notices regarding the stores 'Challenge 25 Policy' must be displayed;

2. All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a personal licence holder until such staff have achieved training to NCPLH level;
3. That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request;
4. The holder of the premises licence shall keep a written record of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the 'refusals book' and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and, this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other relevant authorities on request;
5. The holder of the premises licence must ensure that all alcohol is marked in a way that will identify its place of purchase for a period to be agreed with the police and Trading Standards which shall not be less than 3 months; and
6. A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority or Trading Standards immediately on request.

## REASON FOR DECISION

The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy and considered fully all representations made by all the parties and were of the view that the imposition of the conditions as requested by Trading Standards and as amended and set out above be attached to the licence to ensure the City Council's licensing objectives were fulfilled.

With regard the suspension of the licence the Sub-Committee were of the view that it would enable sufficient time to ensure that the above conditions were instigated to the satisfaction of Hampshire Constabulary and Trading Standards and act as a deterrent as it was clear that the changes and improvements in the operation of the premises that had taken place to date were as a result of this pending review.

### 51. APPLICATION FOR REVIEW OF PREMISES LICENCE - POUND XTRA, 106 ST. MARYS ROAD, SOUTHAMPTON, SO14 0AN

The Sub-Committee considered the report of the Solicitor to the Council detailing an application from Trading Standards to review the premises licence in respect of Pound Xtra, 106 St. Marys Road, Southampton, SO14 0AN. (Copy of report circulated with agenda and appended to signed minutes).

Mr Alen, premises licence holder and owner was present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

### RESOLVED

- (iii). that the licence allowing the sale of alcohol at the premises be suspended for a period of three months as a deterrent and to allow time to instigate the additional conditions as set out in (ii) below; and
- (iv). that the following additional conditions as requested by Trading Standards be attached to the licence:-
  1. A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority or Trading Standards immediately on request. The premises licence holder and staff must be capable of operating the CCTV system;
  2. The premises licence holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and

cigarettes obtained by him for sale from his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the product supplied, and their prices. Where items have been delivered to his shop from a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number, for the business must be kept. These details must be available on request to responsible authorities within 24 hours. The premises licence holder must be able to identify who supplied alcohol and cigarettes present at his premises;

3. The holder of the premises licence shall 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 a means of identification acceptable to the Licensing Authority proving that the individual to be 18 years of age or older. 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. Notices regarding the stores 'Challenge 25 Policy must be displayed;
4. All staff who sell alcohol will be trained to NCPLH (National Certificate of Personnel Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a personal licence holder until such staff have achieved training to NCPLH level;
5. That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request; and
6. The holder of the premises licence shall keep a written record of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the 'refusals book' and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or designated premises supervisor to ensure that all staff are completing records and, and this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other relevant authorities on request.

## REASON FOR DECISION

The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy and considered fully all representations made by all the parties and were of the view that the imposition of the conditions as requested by Trading Standards and as amended and set out above be attached to the licence to ensure the City Council's licensing objectives were fulfilled.

With regard the suspension of the licence the Sub-Committee were of the view that the explanation by the licence holder of what had occurred was totally unsatisfactory and the Sub-Committee had grave concerns. The Sub-Committee were of the view that it was fortunate that the implications of the sale of the counterfeit vodka could have resulted in more serious consequences. The Sub-Committee noted that revocation of the licence had not been requested by Trading Standards, although they had seriously consider that course of action. The Sub-Committee, however, were of the view that the three month suspension would act as a deterrent.