
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 24 March 2011

Present: Councillors Drake, Parnell and Osmond

Apologies: Councillor Don Thomas

60. **ELECTION OF CHAIR**

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

COUNCILLOR PARNELL IN THE CHAIR

61. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

62. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meetings held on 6th January, 13th January, 27th January and 24th February 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

63. **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 decisions.

64. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - GEORGES, 6 ATHELSTAN ROAD, BITTERNE, SO19 4DD**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Georges (previously known as Jace Express), 6 Athelstan Road, Bitterne, Southampton, SO19 4DD. (Copy of report circulated with agenda and appended to signed minutes).

Mr Hudson, Dorset Licensing Agent for Georges, Mr I Ekinici, Licence Holder and Mr O Ekinici, Designated Premises Supervisor 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 6 weeks as a deterrent and to allow time to instigate all of the additional conditions as set out in (ii) below; and
- (ii) that the following additional conditions as set out below be attached to the licence:-
 1. the Premises Licence holder must be able to identify who supplied alcohol present at the premises and supply written details (including name, address, telephone number of supplier, date of supply and price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer;
 2. 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 providing 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 that person. Notices regarding the store's "Challenge 25 Policy" must be displayed;
 3. 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;
 4. 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;
 5. The holder of the premises licence shall keep a written record, namely a refusals book, 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; 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. The Premises Licence Holder and staff must be capable of operating the CCTV system.

REASON FOR DECISION

The Sub-Committee considered the report of the Solicitor to the Council detailing an application by Trading Standards for a review of a premises licence in respect of Georges (previously known as Jace Express), 6 Athelstan Road, Bitterne, Southampton, S019 4DD. (Copy of application circulated with agenda and appended to signed minutes).

The Sub-Committee accepted and agreed that there had been an error of judgement in failing to ensure that the offending products had not been cleared and noted the Licence Holder's acknowledgement of this.

The Sub-Committee seriously considered revocation of the licence as this was a serious matter, but felt that on this occasion it would be a disproportionate outcome. However, there was a link between the first incident at London Off Licence 2 and Georges, and with regard to the suspension of the licence, the Sub-Committee was satisfied that it would act as a deterrent and enable sufficient time to ensure that the above conditions were fully instigated to the satisfaction of Trading Standards.

The Sub-Committee reiterated its considerable concern regarding the increasing incidents of selling counterfeit alcohol from licensed premises in the City and the effect it may well have upon public health.