
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 11 August 2011

Present: Councillors Cunio, Drake and Parnell

16. **ELECTION OF CHAIR**

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

COUNCILLOR PARNELL IN THE CHAIR

17. **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 predetermined point whilst the Sub-Committee reach its decisions.

18. **VARIATION APPLICATION FOR A PREMISES LICENCE - DPS VARIATION - SPAR, 114 EAST STREET, SOUTHAMPTON, SO14 3HD**

RESOLVED that this application had been withdrawn as the applicant had removed the proposed DPS from the application.

19. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - BITTERNE VILLAGE - PREMIER EXPRESS, 415 BITTERNE VILLAGE, SOUTHAMPTON, SO18 5EE**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Bitterne Village – Premier Express, 415 Bitterne Village, Southampton, SO18 5EE. (Copy of report circulated with agenda and appended to signed minutes).

Mr Wallsgrove (Solicitor on behalf of the Applicant), Mr Singh Snr, Premises Licence Holder and Mr Singh Jnr, 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 following additional conditions as set out below be attached to the licence; and
- (ii) that no alcohol shall be displayed or sold until these conditions were in place, to the satisfaction of the Licensing Authority.

1. Challenge 25

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 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 store's "Challenge 25" policy must be displayed.

2. Training

The Personal Licence Holder and Designated Premises Supervisor 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 APLH level.

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.

3 Refusals Book

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 immediately available for inspection at the premises by Hampshire Constabulary, the Licensing Authority and Trading Standards on request.

4 CCTV

A CCTV system, **previously approved by the Licensing Authority**, shall be installed and maintained in the licensed premises. 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.

REASONS FOR THE DECISION

The Sub-Committee considered the application for the review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy and representations made, both written and given orally by both parties. The Sub-Committee were of the view that the imposition of the additional conditions as requested by Trading Standards as amended and set out above, which had been agreed to by the premises licence holder, be attached to the licence to ensure the City Council's licensing objectives were fulfilled.

Nonetheless, the Sub-Committee were concerned that the owner of the business had been provided with advice regarding prevention of under age sales, including verbal advice, fact sheets, training resources and refusals logs on 8 occasions and these matters were not satisfactorily in place so as to have prevented the test failure in question.

The Sub-Committee therefore determined that these additional conditions had to be in place to the satisfaction of the Licensing Authority, prior to the display of alcohol and the sale of alcohol.