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

Present: Councillors Drake, Parnell and Thomas

57. **ELECTION OF CHAIR**

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

58. **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.

59. **APPLICATION FOR REVIEW OF PREMISES LICENCE - LONDON OFF LICENCE 2, 27 ST. CATHERINES ROAD, SOUTHAMPTON SO18 1LL**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application from Trading Standards for a review of the premises licence in respect of the London Off Licence 2, 27 St Catherine's Road, Southampton SO18 1LL. (Copy of report circulated with agenda and appended to signed minutes).

Mr Hudson, Dorset Licensing Agent for the London Off Licence 2, Mr I Ekinci, Licence Holder and Mr O Ekinci, 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 14 days 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 requested by Trading Standards save that condition No 1 to be replaced by the alternative condition suggested by the Licence Holder as amended 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 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 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.

(iii) that the request by the Licence Holder for the removal of the embedded conditions attached to the Licence be refused.

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 was of the view that it would act as a deterrent and enable sufficient time to ensure that the above conditions were fully instigated to the satisfaction of Hampshire Constabulary and Trading Standards. The Sub-Committee was satisfied that this was an isolated incident at these premises and took account of the licence holder's regret that it had occurred.

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