
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 April 2011

Present: Councillor Drake, Parnell and Osmond

Apologies: Councillor Don Thomas

72. **ELECTION OF CHAIR**

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

COUNCILLOR PARNELL IN THE CHAIR

73. **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.

74. **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.

75. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - RAFIQUE FOOD CENTRE, 51 DERBY ROAD, SOUTHAMPTON, SO14 ODY**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Rafique Food Centre, 51 Derby Road, Southampton, SO14 ODY. (Copy of report circulated with the agenda and appended to signed minutes).

Mr Rafique, Owner and Mr Marshall, Trading Standards representative 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 premises licence be suspended for a period of three days, namely the first Friday, Saturday and Sunday following the expiry of the appeal period (21 days from receipt of decision letter).

- (ii) that the proposed conditions by Trading Standards as amended and detailed below be implemented:-
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 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. 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. **The content of the training shall be as approved in writing by Trading Standards prior to implementation;**
 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, 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 providing 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, 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;
6. a CCTV system shall be installed and maintained in the licensed premises to the satisfaction of Hampshire Constabulary. 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 immediately on request;

REASONS FOR DECISION

The Sub-Committee considered the application for the review of a 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 all parties and accepted the agreed conditions with additional amendments.

The Sub-Committee had considered the proposed one month suspension of the licence and accepted legal advice relating to 11.22 of the Guidance that where a suspension is imposed the financial impact could be borne in mind.

The Sub-Committee accepted that underage sales of alcohol was a serious matter. However, in light of the specific circumstances of this premises and the work already undertaken to rectify the situation, the Sub-Committee felt that the proposed one month suspension would be disproportionate and that a 3 day suspension would be more proportionate as a deterrent, given the likely risk of issues reoccurring.

76. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - CLOWNS WINE BAR, 112-118 BEVOIS VALLEY ROAD, SOUTHAMPTON, SO14 OJZ**

The Sub-Committee considered the application for a review of a premises licence by Hampshire Constabulary, in respect of Clowns Wine Bar, 112-118 Bevois Valley Road, Bevois Valley, S014 OJZ. (Copy of report circulated with the agenda and appended to signed minutes).

Mr J Gray, Solicitor for Clowns Wine Bar, Mr N Green, Mrs L Green and Mr C Green, Owners, PC J Harris and PC H Channel 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 Sub-Committee noted that the parties had reached agreement on conditions and a policy regarding alcohol and responsible drinking, detailed below:-

1. CCTV conditions added to the licence to include:-

- the premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas;
- the CCTV system must be operating at all times whilst the premises are open for licensable activity;
- all equipment shall have a constant and accurate time and date generation;
- there shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based programme acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed;
- records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained and recordings to be kept for a minimum of 28 days;
- CCTV warning signs to be fitted in public places;
- the DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with ie password protected; and
- all systems, signage, hardware and procedures are to be installed and implemented to the satisfaction of Hampshire Constabulary.

2. incident and refusals condition to be added to the licence to include:-

- an incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary;
- the incident book will remain on the premises at all times and will be available to the police on request and this will include a refusals log which will evidence persons refused entry to the venue and refused to be served alcohol.

3. introduce and implement a responsible drinking policy at the premises that all staff must be trained in, a copy of such policy to be supplied to Hampshire Constabulary;
4. staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 (challenge 21); 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 will be available for inspection by Hampshire Constabulary and the Licensing Authority;
5. the Manager of the premises will ensure that an employee of the business (which could include them) will monitor persons buying alcohol, to ensure they are not mixing multiple shots or measures together to ensure responsible alcohol consumption. Those found **participating** in such activities will be asked to leave the premises. A record will be maintained to show who the nominated employee (**the manager for the purposes of this condition**) is each night, which will be available for inspection by Hampshire Constabulary and the Licensing Authority.

REASONS FOR 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 by all parties both written and made orally.

The Sub-Committee accepted the terms of the agreement reached between the parties and saw no reason, on the evidence received, to go beyond that agreed.

77. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - ROYAL OAK, HOUNDWELL PLACE, SOUTHAMPTON, SO14 1HU

The Sub-Committee considered the application by Hampshire Constabulary – Licensing for a review of a premises licence in respect of Royal Oak, Houndwell Place, Southampton, SO14 1HU. (Copy of report circulated with the agenda and appended to signed minutes).

Mr T Shields, Solicitor for Royal Oak, Mr T Reurdon, Area Manager, Trust Inns Limited, Mr N Le Druillerec, Designated Premises Supervisor, PC J Harris and PC H Channel 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 48 hours (2 days) as a deterrent and to enable staff to be trained prior to making sales; and
- (ii) that the following additional conditions as set out below be attached to the licence:-
 1. Challenge 25 – there will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that 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;
 2. 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 are signed and dated by the member of staff and records are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the Licensing Authority. Training shall be approved by the Police in writing prior to implementation and all staff shall receive training prior to making any sale of alcohol;
 3. the premises licence holder or his nominated representative will maintain membership of any existing Barwatch scheme, or join any future scheme, which is not currently in existence and approved/supported by the local police. He/she will ensure co-operation with the relevant scheme, abide by any rules and ensure meetings are regularly attended;
 4. an incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary. The incident book will remain on the premises at all times and will be available to police upon request; and
 5. CCTV – the premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. There shall be sufficient members of trained staff available during

operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any Windows based programme acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. CCTV warning signs to be fitted in public places. Recordings to be kept for a minimum of 28 days. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, ie password protected. All systems, signage, hardware and procedures are to be installed and implemented to the reasonable satisfaction of Hampshire Constabulary and approved in writing.

REASONS FOR 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 by all parties both written and orally.

The Sub-Committee had considered carefully the need for suspension in light of the action proposed and already in place at the premises and felt that a short period of suspension would enable staff to be trained prior to making sales and the additional requirement under condition 2 that the police approve the training in advance would satisfactorily address underage sales.

Recommendation

The Sub-Committee recommended that the Designated Premises Supervisor undertook BIIAB Level 2 training but did not feel that this required to be a condition attached to the licence.