

Licensing Sub-Committee

25 April 2018

Present: Councillors D Drummond, John Hunter and F Lott

LSQ16/04/18 Appointment of Chair

Resolved that Councillor D Drummond be appointed Chair for this meeting.

LSQ17/04/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ18/04/18 Application for a Review of the Premises Licence – Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL (Benton Ward)

The Sub-committee met to consider an application for a review of the Premises Licence in relation to Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne.

The request from the Chief Officer of Northumbria Police for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Local Weights and Measures Authority, Director of Public Health and the Local Safeguarding Children's Board also supported the review of the premises licence.

The following parties were present at the hearing: Miss H Hebb, Mr N Kirkpatrick and Sergeant J Brady representing the Chief Officer of Police, Mr A Burnett and Mr M Duffy representing the Weights and Measures Authority, Mr M Foster represented the Licence Holder and the Designated Premises Supervisor and was accompanied by Mr H S Rai, Mrs K Kaur and Mr T Robson.

Following introductions the Sub-committee's legal advisor set out the procedure to be followed during the course of the hearing.

The Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Miss Hebb on behalf of the Chief Officer of Police explained that the Police had significant concerns about the management of the premises as there had been several sales of alcohol to underage children by the Designated Premises Supervisor, who did not appear to be aware of the licence conditions and in particular the Challenge 25 age verification Policy. There were also concerns about the CCTV on the premises and the application of a number of the Premises Licence conditions.

Mr A Burnett, on behalf of the Local Weights and Measures Authority, explained that Trading Standards has serious concerns about the poor management of the premises and the licence holder's ability to promote the licensing objectives, in particular the objectives relating to the prevention of crime and the protection of children from harm.

Mr Foster explained that the Premises was a small convenience store and the sale of alcohol accounted for 70% of the income generated. Following a review of the Premises by Mr Robson, a licensing consultant, a number of changes had been made at the premises including improvements to the CCTV, the display of Challenge 25 materials and the relocation of the alcohol products away from those goods which were attractive to children. Mr Robson had also delivered additional training to the staff on the premises on the requirements of the Licensing Act 2003. Mr Foster advised the Sub-committee that it was intended to replace the current Designated Premises Supervisor.

Miss Hebb, Mr Burnett, Mr Forster and Mrs Kaur were invited to sum up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the Premises Licence be suspended for 3 months;
(2) Mr Harnek Singh Rai be removed as Designated Premises Supervisor of the Premises;
(3) the licensable hours be amended to each day from 0700 hours to 2300 hours and the Premises be open to the public each day between 0700 and 2300 hours; and
(4) the following conditions be attached to the Premises Licence:-

1. All persons responsible for the sale or supply of alcohol at the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided at least every 6 months. This training will be provided by an external BII accredited trainer, or a trainer with accreditation from a similar awarding body to the BII, or the training provided by a legally qualified licensing practitioner.
2. Training records for each person responsible for the sale or supply of alcohol at the premises will be maintained and kept at the Premises at all times and be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request.
3. All persons responsible for the sale or supply of alcohol at or from the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol at the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.
4. A register (or registers) (electronic or otherwise) of all refusals to sell alcohol must be kept at the Premises at all times. The register (or registers) must include the date and time of the challenge, a description of the customer, the name of the person who refused the sale and the reason for refusal. The register (or registers) must be maintained and kept up to date. The register

(or registers) will be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 1998 (or replacement legislation).

5. A CCTV system will be installed and maintained in proper working order by a suitably qualified person, and the Licence Holder must ensure that:-
 - a) CCTV cameras are located at the Premises to cover all public areas including all entrances and exits, both internally and externally, and all points of sale where alcohol is sold or supplied.
 - b) The CCTV system records clear images permitting the identification of individuals.
 - c) The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d) The CCTV system operates at all times that the Premises are being used for licensable activities.
 - e) The CCTV system is able to generate a constant and accurate time and date.
 - f) The CCTV system is fitted with security functions to prevent recordings being tampered with, such as password protection.
 - g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police forthwith in accordance with the Data Protection Act 1998 (or any replacement legislation).
6. Notices will be displayed at the Premises informing customers and staff that a CCTV system is in operation at the Premises. Such Notices will be displayed so as to be readily seen and read and must be a minimum of A5 in size.
7. Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time when the Premises are open to the public.
8. When any test purchase undertaken at the Premises (other than those undertaken by Northumbria Police or Trading Standards) results in the sale of alcohol without the use of the "Challenge 25" Policy set out in condition 3 above, Northumbria Police and Trading Standards must be notified in writing of that result by the Designated Premises Supervisor within 24 hours of the receipt of the test purchase result being made known to the Designated Premises Supervisor.
9. The Premises will use an Electronic Point of Sale (EPOS) age prompt till system at all points of sale where alcohol is sold or supplied.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) As there have been a number of sales of alcohol to children the licensing objectives in relation to the prevention of crime and the protection of children from harm had been undermined;
- b) Both the Police and Trading Standards have offered advice and guidance to the Designated Premises Supervisor on a number of occasions in relation to CCTV, Challenge 25 and the need to maintain an up to date refusals register;
- c) The Designated Premises Supervisor did not appear to be aware that the premises operated a challenge 25 policy as part of its licence conditions which called in to question his ability to properly manage the premises in respect of the 4 licensing objectives;
- d) Mr Robson, a licensing consultant, has carried out a risk assessment of the premises, has delivered training to all involved on the requirements of the Licensing Act and has made a number of changes in relation to the operation of the premises so that they now comply with the terms of the licence;
- e) A suspension of the licence for a period of three months would give the licence holder sufficient time to implement the recommendations agreed by the Sub-committee and would provide a clear message to the local community that the Authority has taken action to address their concerns regarding the sale of alcohol to minors;
- f) The imposition of the above conditions will deter and prevent further underage sales from the Premises.