

LICENSING PANEL

FRIDAY, 24 AUGUST 2012

PRESENT:- Councillors Junab Ali, Andrew Bennett and Wayne Crabbe.

22. Appointment of Chair

Resolved – That Councillor Andrew Bennett be Chair of this meeting of the Panel.

(Councillor Bennett took the Chair.)

23. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

24. Minutes

Resolved – That the minutes of the meetings held on 5th, 13th and 27th July and 3rd and 9th August 2012, be confirmed and signed as a correct record.

25. Application to Review a Premises Licence - Stratton Community Store, 14/18 Rainer Close, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out a request from Trading Standards for a review of the Premises Licence for the Stratton Community Store, 14/18 Rainer Close, Swindon, following a failed test purchase at the premises, (b) oral representations from Trading Standards Officers in support of their application for review, (c) representatives from Mr. Peter Riddle (Solicitor to Stratton Community Store) and Mr. Jatin Pandya (Premises Licence Holder) opposing the review, (d) questions from Members to both parties and the answers received, and (e) the Council's procedure for licensing hearings, Government Guidance and the Council's Licensing Policy.

Resolved - After considering: -

The application to review the licence made by the Trading Standards Officers; and representations and material put forward on behalf of the Licensee on their own behalf and those of their Solicitor;

And taking into account: -

The Secretary of State's Guidance; and
The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

The Protection of Children from Harm;

The Panel determined the following: -

That, having considered the evidence and representations before it, the steps taken by management to ensure full compliance with the Licensing Objectives following the failed test purchase and the seriousness this Panel places on the sale of alcohol

to minors, the Panel determines that (a) the premises licence held by the Stratton Community Store, 14/18 Rainer Close, Swindon, be amended to include the additional conditions set out below, and (b) that the premises licence be suspended for a period of 1 week, to take effect 21 days from the date of this hearing to allow management to ensure all staff have been trained regarding underage sales, the use of the shop's CCTV system, the maintenance of refusals records and to ensure they can provide written and CCTV records to appropriate officers and Wiltshire Constabulary upon request.

Reason

The reason given by the Licensing Authority for its decisions to impose additional conditions and to suspend is that it was necessary to put in place these measures in order to secure compliance with the Licensing Objectives and in particular the protection of children from harm objective and to ensure all staff are properly trained.

Additional Conditions

1. A single refusal book be kept and shall be completed in consecutive order. The log shall be reviewed upon completion of each page of the numbered refusals book or on a monthly basis, whichever is the shorter period of time, and the review shall be recorded. On identification of any trends, training needs shall be reassessed. The log shall be available for inspection by Authorised Officers or Wiltshire Constabulary at any reasonable hour.

Reason

To ensure staff are complying with their training requirements and in order to ensure compliance with the Licensing Objectives.

2. All staff shall be given formal training on age-restricted sales every three months, including watching the SWERCOTS training (or its replacement or equivalent). A training record shall be kept and made available for inspection by Authorised Officers or Wiltshire Constabulary at any reasonable hour. All staff shall receive full training in relation to the Licensing Objectives and records maintenance prior to undertaking any sales of alcohol.

Reason

To ensure all staff are trained and made aware of their role in maintaining the Licensing Objectives.

3. Signage shall be displayed prominently at the point of sale, the store entrance door and the alcohol display point indicating that customers appearing 25 or under who wish to buy alcohol will be challenged. A further sign indicating that it is a criminal offence to sell alcohol to someone under 18 shall be displayed prominently at the point of sale.

Reason

To assist staff and management in securing the Licensing Objectives.

4. CCTV records shall be kept for 28 days and be made available for inspection by Authorised Officers or Wiltshire Constabulary at any reasonable hour.

Reason

To assist in the maintenance of the Licensing Objectives.

The Chair reminded both parties that you had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days.