

## **LICENSING SUB-COMMITTEE**

Monday, 19th March, 2012

**Present:-** Cllr Welsh in the Chair

Councillors Heames and Mrs Williams

1. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003**

**CASTLE STORES, 47-49 HIGH STREET, HALMER END, ST7 8AG**

Having taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and also the fact that Staffordshire County Council Trading Standards had requested a review of the premises licence to promote the licensing objective relating to the Protection of Children from Harm.

The Committee considered the relevant Licensing Objective in the light of what had been said and were persuaded that action did need to be taken by the Licensing Authority under its statutory powers to promote the Licensing Objectives.

In view of the evidence given, the poor management of the business was a direct reflection of poor business practise and policing and reflected upon the Designated Premises Supervisor.

The committee was very concerned about the undermining of the Licensing Objective relating to the Protection of Children from harm and the Secretary of State in the guidance at 11.26 considered that the purchase and consumption of alcohol by minors which impacted on health etc should be treated particularly seriously.

Substantial evidence was given that the business had, following an anonymous complaint about the sale of alcohol to children, failed a test purchase exercise undertaken by the Trading Standards and Police Licensing on the 25<sup>th</sup> August. This followed at least two visits to the store by responsible authorities giving advice about required policies and procedures.

The committee were also concerned that the current Designated Premises Supervisor Mrs Kalatharan, under caution had admitted that she had not taken the advice given and the information provided seriously and as a result the recommended procedures had not been adopted. Further, Mrs Kalatharan admitted that she had forgotten some of the information taught during her Personal Licence course and had not sought refresher education.

Of lesser concern but of note was the admission that Mr Kalatharan, the joint licence holder had difficulty in reading English and therefore potentially could not read the advice himself.

The Guidance at 11.16 provided a range of powers for the licensing authority to exercise, for the promotion of the Licensing Objectives. Firstly the committee could modify the conditions of a licence. Conditions had been put forward by Trading

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Standards and agreed by the licensee as being necessary and important and the committee had considered these.

Other options open to the committee were set out in the guidance at 11.16 which included the removal of the Designated Premises Supervisor and suspension of the Premises Licence for a period of 3 months.

In view of what had been said the committee considered that both of these types of remedial action were necessary and proportionate as being directed at the cause of concern.

The committee were therefore disposed to:

1. Remove the Designated Premises Supervisor because of the problems that resulted from poor management of the premises.
2. Suspend the premises licence for a period of 3 months as the current Designated Premises Supervisor was out of the country for periods of time and to enable the premises to put in place the remedial actions agreed with Trading Standards and to ensure that all relevant staff were trained and for a new Designated Premises Supervisor to be appointed.
3. Impose new conditions set out on pages 16 and 77 of the report to the committee as being agreed between the parties.

In addition the committee recommended that further staff training be given at least every 6 months upon the objectives relating to underage sales and gave notice that any further complaints regarding underage sales could result in the revocation of the premises licence.

**CLLR WELSH**  
**Chair**