

LICENSING SUB-COMMITTEE

Tuesday, 15th May, 2012

Present:- Cllr Tagg – in the Chair

Councillors B Welsh and J Williams

1. APPLICATION FOR REVIEW OF RIZWAN NEWS FROM STAFFORDSHIRE TRADING STANDARDS

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

The Sub Committee considered that 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 powers to promote the Licensing Objectives.

There was evidence that poor management at the premises had a direct reflection on poor business practice and policy which 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 11.29 considered that the illegal purchase and consumption of alcohol by minors which impacted on health etc, should be treated particularly serious. Substantial evidence was been given that the business has failed.

The reasons behind the Sub Committees decision were:

A test purchase exercise undertaken by Trading Standards on the 25th August. This followed visits to the premises by the responsible authority giving advice about required policies and procedures.

The Committee were also concerned that a Challenge 25 policy had not been adopted and training had been inadequate.

It was clear from what had been said that the current DPS had failed in his capacity as premises owner and Licence holder to satisfactorily manage previously identified gaps in the due diligence measures operated at the premises.

The guidance at 11.20 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 Standards and agreed by the licensee as being necessary and proportionate and the Committee have considered these. Other options open to the Committee and set out in the guidance included the removal of the DPS and the suspension of the Premises Licence for up to 3 months.

In view of what has been said the Committee considered both of these options.

Firstly, the Committee considered removal of the DPS but decided to afford him another chance. Informally though the Committee warned that should there be any reoccurrence of the offence then it might take an entirely different view.

The Committee then considered exclusion of the licensable activity for a temporary period for up to 3 months. The Committee was however alert to the long term stability of the business and the detrimental financial impact that may result from this. However, it considered that the premise had been found to be trading irresponsibly and in view of the serious nature of the offence tough remedial action needed to be looked at which was necessary and proportionate and directed at the cause of action.

The Committee were therefore disposed to:-

1 Suspend the premises licence for a period of 2 weeks to enable the premises to put in place the remedial actions agreed with Trading Standards and to ensure that all relevant staff were trained.

2 Impose the conditions set out on pages 11 and 13 of the additional supplementary information provided to the Committee.

And a notice will be issued to that effect.

In addition the Committee warned the Licence holder that any further underage sales could result in a further review of the Premises Licence and possible revocation of the licence.

2. LYMESTONE VAULTS APPLICATION FOR A PREMISE LICENCE

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the Councils statement of Licensing Policy and also the fact that the Police had objected to the application on the basis that to grant the application would undermine the Crime and Disorder Objective.

The Committee also took into account the fact that agreement had been reached between the parties as to the imposition of conditions to promote that Licensing Objective.

As the conditions had been agreed and there being no other objections to the application, the Committee were disposed to grant the Variation to the Premises Licence subject to the inclusion in the Licence of the agreed conditions set out in item 8 of the report to the Committee.

3. APPLICATION FOR A PREMISE LICENCE CASTLE STORES

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the councils statement of Licensing Policy and also the fact that the Trading Standards have objected to the application on the basis that to grant the application would undermine the Protection of Children from harm.

The Committee have also taken into account that agreement has been reached between the parties as to the imposition of conditions to promote that Licensing Objective. As the conditions had been agreed and there being no other objections to

the application, the Committee were disposed to grant the Premises Licence subject to the inclusion in the Licence of the agreed conditions set out in the report to the Committee and also that a sign be put up in a prominent position advising that the Premises is under new management.

Chair