

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

1. DETAILS OF APPLICATION FOR REVIEW OF A PREMISES LICENCE

PREMISES: Keele Road Services.

LOCATION: 28 Keele Road Newcastle under Lyme
Staffordshire ST5 2JX.

APPLICANT: Staffordshire County Council Trading Standards.

APPLICATION FOR: Review of the Premises licence on the grounds of the
Protection of Children from Harm.

DATE OF HEARING: 14 July 2016.

2. GROUNDS FOR REVIEW

This application for the review of a premises licence relates to the sale of alcohol to children and the failure of the premises to meet the Licensing Objective of the Protection of Children from Harm.

.3 THE APPLICATION FOR REVIEW

An application for the review of a premises licence for Keele Road Stores, 28 Keele Road, Newcastle, Staffordshire, ST5 2JX was received from Staffordshire County Council Trading Standards in respect of the licensing objective relating to the Protection of Children from Harm (A copy of this application is attached at Appendix X). On the 25th March 2011 and 15th February 2016, the premise was subject to test purchase operations whereupon volunteer children under the legal age were sold alcohol, (please see image in Appendix 2). The sale on 15th February 2016 was witnessed by an Officer from Staffordshire Police.

Despite visits from Trading Standards staff to provide routine age restricted advice, the premise licence holder and Designated Premises Supervisor, Mr Harpal Singh has under caution, admitted that he has breached the licensing conditions for the maintenance of staff training records and refusals book. Mr Singh could only produce 2 staff training tests despite having 6 members of staff. The licencing objective relating to the Protection of children from Harm includes the failure to train staff on Challenge 25 and the failure to maintain records of training as of the premises licence conditions.

Trading Standards are requesting that additional conditions are attached to the premise licence. The conditions can be viewed on page 6 of the review application.

4 REPRESENTATIONS FROM OTHER RESPONSIBLE AUTHORITIES

- i. On 12 May 2016, a representation was received from the Environmental Health Department at Newcastle-under-Lyme Borough Council in support of the review application (Attached at Appendix Y).

- ii. On 31 May 2016, a representation was received from Staffordshire Police in support of the review application (Attached at Appendix Z).

5. REPRESENTATIONS FROM OTHER PERSONS

There are no representations from any other persons.

6. LEGAL CONSIDERATIONS

a). Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives. These are:

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

b). Policy Statement

The Licensing Act 2003 required the Council to publish a “Statement of Licensing Policy” that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Copies of the Council’s Statement of Licensing Policy and the Government’s Statutory Guidance will be available at the Sub-Committee meeting .In making their decision on the application, the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

The Sub-Committee may, where it considers that action under its statutory powers is appropriate, take any of the following steps for the promotion of the licensing objectives as set out above:-

- (a) to modify the conditions of the licence; either permanently or temporarily for a period of up to three months;
- (b) to remove the designated premises supervisor;
- (c) to suspend the licence for a period not exceeding three months;
- (d) to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives

7. DETERMINATION REQUIRED

The Sub-Committee is asked to determine what action may be required in order to ensure that the licensing objectives are met at the Keele Road Services having regard to the legislation, the 4 licensing objectives, the council's licensing policy and guidance issued by the Secretary of State under s182 of the Licensing Act 2003.