

**Licensing Sub-Committee**

**Decision Relating to G News and Booze, 23 George Street, Newcastle-under-Lyme,  
ST5 1JX - Application for a Review of a Premises Licence**

**Hearing Date: 14 August 2019**

The licensing sub-committee was deferred from the previous meeting on the 30<sup>th</sup> July 2019 at the request of the Premises Licence Holder to allow his representative to be present.

The licensing sub-committee carefully considered the officer's report and heard the submissions from Trading Standards and then the premises licence holder's representative, Mr Ian Rushton of JL Licence and Retail.

The sub-committee have taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy when reaching this decision.

Trading Standards application to review the premises licence at G News and Booze was made on the grounds of the Licensing Objective; 'Protection of Children from Harm' not being met. An agreement had been reached between Trading Standards and the Premises Licence Holder (PLH), prior to the hearing, to include a number of additional conditions upon the licence. Despite the agreement Trading Standards still wished to go ahead with the hearing.

The Premises Licence Holder submitted further documentation at the hearing with the agreement of all parties but Trading Standards stated that they had been unable to validate the authenticity of these documents prior to the hearing.

Trading Standards presented that the Designated Premises Supervisor (DPS) and PLH, Mr Mills, had an unequivocal disregard for the licensing objectives. In the past they had issues with other premises where he held responsibility as either the DPS or PLH and he had a history of not engaging with them when they investigated those issues. They believed that Mr Mills had been untruthful during an Interview under Caution when asked whether he had ever been involved in the running of any other licensed premises.

Trading Standards carried out a test purchase at G News and Booze on the 18<sup>th</sup> March 2019 which the premises failed. They had also carried out test purchasing at a previous premises at which Mr Mills had been responsible for, which he had also failed.

There had been previous breaches of licence conditions in April 2017 following a visit to G News and Booze, namely non-compliance with CCTV retention conditions and failing to label the products with the store details.

In response to questioning it was established that the store had a Challenge 25 policy already in place, and the volunteer who carried out the test purchase was 16 years old and looked 16. Trading Standards confirmed that the person who carried out the sale had not been prosecuted.

Trading Standards felt that due to the DPS's conduct at the interview under caution, he failed to meet the standards they would expect from someone with the responsibility of a DPS.

They had given him support in the past but due to the failed test purchase and lack of cooperation they did not feel that the imposition of conditions in isolation would suffice and asked the sub-committee to suspend the licence for 3 months and to consider removing Mr Mills as DPS.

The PLH representative, Mr Rushton, addressed the sub-committee admitting that clearly something had gone wrong, that he needed to demonstrate that he had put actions in place. He referred to the documents he submitted at the hearing and accepted that most had been completed on the 10th August 2019 which was only a couple of days before the hearing.

Since he had been instructed, 2 weeks before the meeting, he had remedied the records and updated the licences for the DPS's new home address with both Newcastle and Stoke Councils. He informed the sub-committee that alcohol was only a small part of the business and it was more of a general convenience store.

He believed that the issues could be resolved with the below conditions that had been agreed between the two parties, being imposed upon the Premises Licence:

Suggested as part of the review application:

- 1. A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.*
- 2. The only acceptable forms of identification must be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.*
- 3. Challenge 25 poster must be displayed at all entrances to the premises, all areas where alcohol is displayed and at the cash till payment area.*
- 4. Posters must be displayed prominently and in sight of customers & staffs.*
- 5. Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times.*
- 6. A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.*
- 7. The refusals register or when on the till a print out of refusals must be produced and made available for inspection at the time of the visit by any Responsible Authority.*
- 8. Prior to selling alcohol; all person involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol & age restricted products and responsible retailing.*
- 9. Such training must be recorded and up to date training records of all such persons must be maintained at the premises and produced and made available for inspection at the time of the visit by any Responsible Authority. Both initial and subsequent refresher training in*

*relation to the sale of alcohol & age restricted products must contain a test to be undertaken by the staff member and this test or online certificate must be made available at the time of the visit to any Responsible Authority. Records for each person must be retained for a minimum of 12 months.*

Agreed between Trading Standards and the PLH representative prior to the hearing:

- *A due diligence checklist (aimed at preventing any underage sales) shall be kept and be available for inspection by authorised officers.*
- *Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.*

He asked that the sub-committee give Mr Mills a final chance. Mr Mills was prepared to undergo further training and Mr Rushton was aware of an underage sales course he could attend which could be completed within 4 to 8 weeks.

The sub-committee deliberated and considered that the issues raised by Trading Standards gave them serious concerns about the abilities of the DPS and that the licensing objective ground of 'Protection of Children from Harm' had not been met. However they did feel that with the additional training as offered by the PLH's representative and the agreed conditions, it could be.

The sub-committee therefore resolved to suspend the licence to enable training for the DPS to be carried out. The licence is to be suspended for a period of 8 weeks or until such a time as the certification of completion could be produced to the Licensing Authority and the agreed conditions (as above) are to be incorporated into the licence, along with an additional condition:

- *A personal licence holder must be on the premises at all times when alcohol is sold*

27<sup>th</sup> August 2019