

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 29 January 2013 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Arthur and B Graham

Also Present:

Councillor J Hunter

Councillor J Wilkinson

K Monaghan – Senior Licensing Officer

G Proud – Legal Officer

PCSO M Williamson – Durham Constabulary

Pardip Singh Sidhu – Premises Licence Holder

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises licence - Tanhills Post Office/Premier Store, Kimblesworth Road, Tanhills, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services regarding an application for the review of a Premises Licence in respect of Tanhills Post Office /Premier Store, Kimblesworth Road, Chester-le-Street (for copy see file of Minutes).

A copy of the location plan of the premises, the Premises Licence and review application, together with representations from Durham Constabulary had been circulated to Members. Additional information had also been provided by Mr Sidhu the Premises Licence Holder which had also been circulated to all parties in advance of the hearing.

PCSO M Williamson addressed the Sub-Committee stating that the Police sought a review of the Premises Licence following 2 failed test purchases on 26 July 2012 and 31 October 2012, details of which were set out in the Police statements contained in their bundle of evidence.

With the agreement of the Licence Holder photographs of the test purchasers were shown to Members.

PCSO Williamson noted that the Licence Holder and staff members had attended training with Trading Standards Officers recently. The Police would be satisfied for additional conditions to be attached to the existing Premises Licence rather than revocation or suspension. Details of the proposed conditions were included in the Police evidence.

Mr Sidhu, the Licence Holder stated that he had been in the Premises since 2004, operating as a family business. Since that date he had kept a Refusal Register which the Police had seen. Because of potential data protection issues the Register had been changed.

Following the test purchase offences he and family members had received training and had certificates to prove that they had passed the course. In addition he had implemented the Challenge 25 Scheme and had put on display in the shop an article that had appeared in the Northern Echo about the sale of alcohol from the Premises. This was to demonstrate to customers why identification was being requested.

To conclude he acknowledged that he had made a mistake and wanted an opportunity to put things right.

In response to questions Mr Sidhu apologised that he had forgotten about the hearing on 2 January 2013 as his mind was elsewhere due to family circumstances.

He confirmed that he had received training with family members and had tried to arrange a training session for the two other staff members for the following week. However he had been informed that the numbers were too small for it to proceed. He had however made the staff aware of the need to ask for identification, the Challenge 25 Scheme and the new Refusals Register.

Following a question about staff turnover he assured Members that any new staff would be properly trained. Each staff member would undergo 12 week refresher training and this would eliminate problems caused by customers trying to re-offend by attempting to purchase alcohol off different employees each time they entered the shop.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the written and verbal representations of the Applicant and the Licence Holder.

Resolved:

That the existing Premises Licence be modified by adding the following conditions to the Licence:-

The Prevention of Crime and Disorder

Staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records must be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

No serving of alcohol to any person that appears to be drunk.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 31 days.

The Premises Licence Holder must ensure that all staff are capable and competent at viewing and downloading CCTV footage in recordable format, either disc or memory stick to the police/local authority within 24 hours of request.

The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational daily log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS must report the failure to the Police and/or the local authority on contact number (0191) 3752308.

Public Safety

Fire exits and fire equipment must be clearly marked.

All staff to be aware of the requirements regarding health and safety.

A trained first aider will be available.

An incident log will be kept at all times.

The Protection of Children from Harm

A proof of age policy must be put in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification accepted on the premises are a passport, a photo driving licence and 'PASS' hologram ID – ie ID4U.

The Premises Licence Holder shall ensure that the premises keep a Refusal Register which must be endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales). The Register must record refusals, requests and production of identification and proxy sales. The book shall be available upon request to either the Licensing Authority, the Local Weights and Measures Authority or Durham Constabulary.

All members of staff must attend and pass the next available Fair Trading Award 'Do You Pass' course run by Trading Standards. Certificates confirming that the course has been passed must be provided to the Local Authority.

New members of staff must attend and pass the first available Fair Trading Award 'Do You Pass' course run by Trading Standards. Certificates confirming that the course has been passed must be provided to the Local Authority.