

Licensing Sub-Committee

2 May 2017

Present: Councillors M A Green, John Hunter and J O'Shea

LSQ34/05/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ35/05/17 Application for a Review of the Premises Licence – Avon Discount Store, 47 Avon Avenue, North Shields (Chirton Ward) (Minute LSQ33/04/17 refers)

The Sub-committee met to consider an application for a review of the Premises Licence in relation to Avon Discount Store, 47 Avon Avenue, North Shields. The meeting had originally been convened on 24 April 2017 and the Sub-committee had agreed to adjourn the meeting at the request of the Licence Holder to allow him to be legally represented at the hearing.

The meeting reconvened on 2 May 2017 to consider a request from the Chief Officer of Northumbria Police for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Local Weights and Measures Authority also supported the review of the premises licence.

Mrs Smith, representing Mr Jawed the licence holder, explained that discussions had taken place with the representatives of Northumbria Police regarding their concerns about the premises. As a result of the discussions it was explained that the Police were prepared to withdraw their request for the Premises Licence to be revoked, subject to the imposition of a number of new licence conditions which had been proposed by the local Weights and Measures Authority and the Premises Licence being suspended for a period of 3 weeks.

Miss Hebb, representing the Chief Officer of Police, confirmed that the Police were happy to support the proposal before the Sub-committee. It was considered that the period of suspension would send an appropriate message to the local community about the licensing objectives and the proposed conditions should prevent further underage sales.

Mr Burnett confirmed that the imposition of the suggested conditions would address the concerns of the Local Weights and Measures Authority.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the Premises Licence be suspended for 3 weeks; and (2) the following conditions be attached to the Premises Licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:-
 - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, points of sale and the frontage of the Premises.
 - The CCTV system is able to capture clear images permitting identification of individuals.
 - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
 - There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
2. Signs will be displayed at the Premises, both internally and externally informing customers that a CCTV system is in operation at the Premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
3. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, or photographic driving licence bearing a holographic mark or ultraviolet feature or proof of age card carrying a 'Pass' logo and hologram or ultraviolet feature. If no such evidence is produced the sale will be refused.
4. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.

5. All members of staff responsible for the sale of alcohol will receive refresher training at least once a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
6. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
7. A Refusals Register (electronic or paper based) is to be kept at the Premises at all times and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
8. The Refusals Register will be inspected by the Designated Premises Supervisor or Manager employed at the Premises on a weekly basis. In the case of a paper based register a signed and dated declaration will be made in the book each week by the DPS or Manager declaring that the book has been duly inspected by them. In the case of an electronic register, an entry will be made and dated on the system by the DPS or Manager declaring that they have inspected the electronic Register.
9. Mr Z Kiani will not be permitted to work at the Premises whenever the Premises are selling alcohol.
10. The Premises Licence Holder will notify the Senior Licensing Officer at North Tyneside Council before the period of suspension comes to an end that the conditions imposed by the Sub-committee have been met in full. On receipt of the notification from the Licence Holder, the Senior Licensing Officer will visit the Premises to verify that the licence conditions are capable of being met. If they are not, the Senior Licensing Officer will immediately notify the Licence Holder, Northumbria Police and the Local Weights and Measures Authority (Trading Standards) of that fact.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) There have been a number of underage sales of alcohol from the premises over a period of years and each of the sales had been made by one individual;

- b) Each of the underage sales was dealt with by way of a fixed penalty notice and no application to review the premises licence was made as a result of the underage sales;
- c) The Police have confirmed that their concerns in relation to the licensing objectives of the prevention of crime and disorder and the protection of children from harm have been addressed by the addition of a number of conditions on the licence;
- d) There have been no representations received from local residents or businesses or any of the other Responsible Authorities;
- e) A suspension of the licence for a period of three weeks would give the licence holder sufficient time to implement the recommendations agreed by the Sub-committee;
- f) The imposition of the above conditions will deter and prevent further underage sales from the Premises