

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION FOR REVIEW: DAILY FOODS, RUMBRIDGE STREET, TOTTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Tuesday, 11 December 2012 at 10.00am**

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**1. Members of the Licensing Sub-Committee**

Councillor G C Beck - Chairman  
Councillor J Heron  
Councillor P R Woods

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**2. Parties and their Representatives attending the Hearing**

Mr Lawford – Hampshire County Council Trading Standards, Applicant for Review

PC Smith and PC Wood – Hampshire Constabulary – Supporters of the Applicant for Review

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**3. Other Persons attending the Hearing**

None

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**4. Parties not attending the Hearing**

Mr Boateng – Premises Licence Holder

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**5. Officers attending to assist the Sub-Committee**

Lisa Clark – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

That the premises licence be revoked.

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## 7. Reasons for the Decision

Having carefully considered the representations, both written and oral by Trading Standards and Hampshire Constabulary, the Sub-Committee decided to **revoke** the premises licence.

The Sub-Committee considered very carefully the evidence of Trading Standards and the Police relating to the prevention of crime and disorder and the protection of children from harm.

In reaching their decision, Members were mindful that advice and warnings had been given by Trading Standards and Hampshire Constabulary to the Premises Licence Holder regarding the selling of non-duty paid cigarettes and breaches of premises licence conditions.

Members noted that in November 2012 the Premise Licence Holder pleaded guilty to the offences of selling alcohol to a minor, selling tobacco to a minor and conducting licensable activities whilst in breach of the premises licence.

Furthermore, the Sub-Committee noted that on store visits by Trading Standards and Hampshire Constabulary numerous breaches of the premises licence were identified, including: -

- 1) CCTV footage did not cover all public areas of the premises.
- 2) No cameras installed externally.
- 3) The time showing on the CCTV footage was inaccurate.
- 4) CCTV footage was not consistently kept for a period of 28 days.
- 5) The licence holder/staff member was unable to download CCTV footage requested by the Police.
- 6) Adequate records were not being kept of weekly CCTV checks.
- 7) Staff members could not operate the CCTV system.
- 8) Although the CCTV was not working at all times, the Premises Licence Holder had not contacted the Police to advise them about the failing of the system.
- 9) The quality of the CCTV was such that it could not be used for identification purposes.
- 10) The staff member present on 3<sup>rd</sup> August was unaware of the existence of a refusals log.
- 11) When the Premises Licence Holder produced a refusals log to the Police on 8<sup>th</sup> August 2012 it did not comply with the requirements of the premises licence. It had twice been signed in a false name and had not regularly been signed off by the Premises Licence Holder.
- 12) The small number of entries in the refusals log suggested that the premises had not been recording all refusals as required by the premises licence.
- 13) Staff had not received the necessary training regarding avoiding the sale of alcohol to minors.
- 14) Training records were inadequate, and training had been recorded having taken place on 8<sup>th</sup> October, when the training record had been provided to the Police on 30<sup>th</sup> August; and
- 15) Challenge 21 posters were not being displayed in prominent positions in the premises and the premises were not properly operating the Challenge 21 policy.

The Sub-Committee concluded that this showed a total disregard for the premises licence conditions. For this reason, the Sub-Committee considered that attaching further conditions to the premises licence would not be effective in promoting the licensing objectives.

The Sub-Committee were particularly concerned that when the Police asked to see footage of the failed test purchase, the Premises Licence Holder could not produce this. The Sub-Committee found it highly implausible that in his interview, the Premises Licence Holder could not recall the failed test purchase given that he had spoken to Trading Standards Officers immediately afterwards.

Members considered that the Premises Licence Holder demonstrated a lack of willingness to cooperate with the responsible authorities to promote the licensing objectives.

The Sub-Committee noted that the Personal Licence Holder and Designated Premises Supervisor for the premises should have been aware of his role and responsibilities to promote the licensing objectives regarding the prevention of crime and disorder and protection of children from harm.

Members were taken into account the Home Office Guidance, issued under section 182 of the Licensing Act 2003 and the Council's adopted statement of Licensing Policy both of which state that where the crime prevention objective is being undermined, revocation of the licence, even in the first instance, may be seriously considered.

In this case, the Sub-Committee concluded that as the Premises Licence Holder had pleaded guilty to three serious criminal offences, had been selling non-duty paid cigarettes and had committed numerous serious breaches of the premises licence, he was failing to promote the licensing objectives relating to the protection of children from harm and the prevention of crime and disorder, as such revocation of the premises licence was a proportionate and appropriate response.

**Date: 11 December 2012**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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**Decision notified to interested parties on 11 December 2012**