

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION FOR REVIEW: MARCHOOD NEWS 'N' FOOD

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 4 January 2013 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor M S Wade
Councillor Mrs Wyeth

2. Parties and their Representatives attending the Hearing

PC Conway and PC Wood – Hampshire Constabulary, Applicant for Review
Mr & Mrs Oliver – Premises Licence Holders

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Lisa Clark – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The Licensing Sub-Committee considered it appropriate for the promotion of the licensing objectives to impose the following conditions:

Conditions

Staff Training

- (1) Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons, and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received training.
- (2) All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.
- (3) In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise the sale of alcohol. The test will consist of a minimum of ten questions, for which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.
- (4) All training records will be made immediately available for inspection by Hampshire Constabulary and any Responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate.

Challenge 25

- (5) There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include any of the following: a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking to purchase alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- (6) Challenge 25 posters shall be displayed in prominent positions at the premises.

Refusals Log

- (7) A written log shall be kept of all refusals, including refusals to sell alcohol. Each record shall, as a minimum, detail the date, time, item attempted to be purchased, and the name of the member of staff making the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

- (8) The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

CCTV

- (9) The premises shall have sufficient cameras located within the premises to cover all public areas, including outside of the premises covering the entrance/exit. The system will be able to cope with all levels of illumination throughout the premises as well as outside areas.
- (10) CCTV warning signs shall be fitted in public places.
- (11) The CCTV system must be operating at all times whilst the premises are open for licensable activities. All equipment shall have a constant and accurate time and date generation.
- (12) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (13) Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
- (14) The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
- (15) There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police, on request, when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
- (16) In the event of a technical failure of the CCTV equipment, the Premises Licence Holder/DPS must report the failure to the Hampshire Western Police Licensing Unit with 24 hours.

7. Reasons for the Decision

The Sub-Committee carefully considered the Police application for a review of the premises licence, along with the evidence, both written and oral, supplied by all parties, and in particular the Police recommendation that a number of conditions be attached to the licence. It was noted that the Premises Licence Holders agreed to the conditions proposed by the Police.

The Sub-Committee took into account that the previous Designated Premises Supervisor had been convicted in December 2012 of an offence of selling alcohol to a person under the age of 18. The Sub-Committee noted that there is now a new Designated Premises Supervisor at the premises.

The Sub-Committee concluded that the conditions proposed by the Police, if attached to the premises licence, would promote the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

The Sub-Committee would like to stress that they consider the training of staff to be vital in preventing the sale of alcohol to children. The Sub-Committee took into account that the Premises Licence Holders have taken into account the advice given by the Police in October 2012, and had produced evidence at the hearing that they have implemented this advice in full.

Date: 4 January 2013

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 10 January 2013