

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE: GOLDSMITHS, 41
RUMBRIDGE STREET, TOTTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 3 March 2015 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck – Chairman
Councillors W H Dow
Councillor J Heron

2. Parties and their Representatives attending the Hearing

PC Boucouvalas and PC Conway, Hampshire Constabulary – Applicant for Review

Mr M Parmar – Premises Licence Holder
MR R Hudson – Premises Licence Holder's Representative
Mr K Parmar – Manager of the Premises

3. Other Persons attending the Hearing

Cllr Penman, Totton Town Councillor – Observer

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

1. That the premises licence be suspended for a period of four weeks.
2. That the following condition be removed from the current premises licence: -

The licence holder is a fully Hampshire County Council trained member of the Child Protection Team; and

3. That the following conditions be attached to the premises licence (in place of the conditions currently at paragraphs (a), (b), and (e) of Annex 2 of the premises licence): -

CCTV

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
2. CCTV warning signs to be fitted in public places.
3. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
4. 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 31 days.
5. 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.
6. 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.
7. 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 a disc. 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.
8. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS must report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

Refusals Book

9. A log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.
10. 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.
11. The record of refusals will be retained for 12 months.

Challenge 25

12. 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 with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

13. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.
14. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
15. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

Till/EPOS Systems

16. The premises will have electronic point of sale till systems in place which prompts the staff operator to utilise the premises challenge policy and ask for identification upon sale of age restricted products. If a refusal is made, a record will be made electronically, and a paper copy of the refusal will be printed to allow staff to record details of the person they have refused. These paper and/or electronic records will be kept for 12 months and made available to Hampshire Constabulary and other responsible authorities immediately upon request. All staff will have their own unique login/identification on the system and will not use another employee's.

Training

17. 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 that training.
18. All staff will receive refresher training every three 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.
19. 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 of 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 four sets of questions to be used in the training which will be rotated upon each subsequent three month training session.
20. 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.

7. Reasons for the Decision

The Sub-Committee carefully considered the Police's application for review of the premises licence.

Having considered the evidence presented by the Police, the Premises Licence Holder's representative and the Designated Premises Supervisor at the hearing, and the evidence supplied in writing, the Sub-Committee decided that the premises licence should be suspended for a period of 4 weeks.

Additionally the Sub-Committee has decided to impose conditions set out in section 6 above.

They also agreed to remove the condition on the current licence relating to the licence holder being a member of HCC Child Protection Team, as both parties had agreed this had been included in error.

The Sub-Committee takes the sale of alcohol to minors extremely seriously. The Sub-Committee was particularly concerned that the premises failed a test purchase less than a month after a staff member had been issued with a PCN for selling a bottle of whiskey to a 17 year old. The Sub-Committee considered that the Designated Premises Supervisor had not taken sufficiently seriously his obligation to ensure that all staff were adequately trained in accordance with the conditions of the premises licence.

The Sub-Committee noted that the Police had suggested that a suspension of the premises licence for a period of three months would be appropriate for the promotion of the licencing objectives. The Sub-Committee further took into account the representation on behalf of the Premises Licence Holder that a suspension was not appropriate given that the premises had already closed for 89.5 hours, following a closure notice by the Police. The Premises Licence Holder's representative suggested that if the Sub-Committee were minded to impose a suspension, that an appropriate period would be 7-14 days. The Sub-Committee concluded that a suspension of 7-14 days would not adequately reflect the seriousness with which the Sub-Committee regarded the repeated sale of alcohol to children.

However, the Sub-Committee recognised since the failed test purchase in November 2014 the Designated Premises Supervisor had made contact with Hampshire County Council's Trading Standards Officer to seek advice and had taken steps to improve the training provided to staff. As such the Sub-Committee concluded that it would not be appropriate to suspend the licence for three months but that a suspension for four weeks would be appropriate to promote the licensing objectives.

Date: 3 March 2015

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on