

Licensing Act 2003 Sub-Committee

Wednesday, 20 October 2010

Present: Councillor Keith Iddon (Chair) and Councillors Judith Boothman and Anthony Gee

10.LAS.17 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LAS.18 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LAS.19 APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 52 OF THE LICENSING ACT 2003 IN RESPECT OF T & S CONVENIENCE STORE 76-78 MARKET STREET, CHORLEY

The Sub-Committee considered a report from Director of People and Places on a application for a review of a Premises Licence submitted under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a Responsible Authority, representation from Lancashire County Council's Trading Standards Department also acting as a Responsible Authority, and the Premises Licence Holder.

The Sub-Committee had considered the guidance issued under Section 4 of the Licensing Act 2003, its Statement of Policy and the amended guidance issued by the Secretary of State under Section 182 of the Act, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee had considered the Human Rights Act implications and in particular Article 8 and Article 1 of the First Protocol.

The Sub-Committee were of the view that all the four licensing objectives had been undermined and the management of the premises had not achieved the safety of the town centre and the residential communities. The Sub-Committee concluded that customers from the premises regularly conducted themselves in an anti-social manner to the detriment of the local area and residents.

The Sub-Committee were minded that it had to achieve a balanced approach to the difficult issues it had heard throughout the hearing.

On that basis the Sub-Committee **RESOLVED - To revoke the premises licence of T&S convenience Store for the following reasons:**

Prevention of crime and disorder

- **Premises were managed in a reckless manner as to amount to crime and disorder.**
- **Incidents of Breach of the peace on the street as a result of alcohol from premises.**
- **Causing offence and annoyance to town centre public - hanging around on benches.**
- **Selling of alcohol contributed to general crime – assault inside the premises.**

- Selling and permitting sale of alcohol to under 18s – criminal offence – evidence of Trading standards and Police failed test purchases
- The guidance confirms: For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity of crime of young people
- License-holder allowing the sale of alcohol to children
- Licensee did not co-operate with the Police
- No details of security person and new staff – concerning to authorities
- Delivering of alcohol onto street

Public safety

- Safety on premises for other customers and staff – assault inside the premises
- Crowding on outside benches and causing nuisance

Prevention of public nuisance

- Crowds hanging around outside the premises
- Disturbances taking place in the vicinity
- Behaviour of customers was within control of the premises management - supplying drinks outside
- Complaints of abusive behaviour

Protection of children from harm

- Underage sales
- Proxy sales
- Unacceptable record-keeping of Challenge 25 Policy.- Members not satisfied with Provisional Licence ID in Refusal Register.

The Sub-Committee was also made aware of the review of the Premises Licence Holders other premises in Blackburn and the review's outcome.

The Sub-Committee concluded that the revocation of the licence was the course necessary to promote the Licensing Objectives.

There is a right of appeal to the Magistrates Court within 21 days from the date of receipt on the notification of the decision.

10.LAS.20 APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 52 OF THE LICENSING ACT 2003 IN RESPECT OF THE WHITE HART, MEALHOUSE LANE, CHORLEY

The Sub-Committee considered a report from the Director of People and Places on an application for a review of a Premises Licence submitted under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a Responsible Authority.

Lancashire Constabulary had submitted the application on the grounds of the licensing objective for the Prevention of Crime and Disorder. The application sought to modify the conditions of the Premises Licence and the removal of the current Designated Premises Supervisor (DPS) who was also the Premises Licence Holder.

The Sub-Committee carefully considered the representations from Lancashire Constabulary and the Premises Licence Holder, guidance issued under Section 4

of the Licensing Act 2003, its Statement of Licensing Policy, and the guidance issued by the Secretary of State under Section 182 of the Act, as amended, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee had considered the Human Rights Act implications and in particular Article 8 and Article 1 of the First Protocol.

After taking all due consideration of the relevant factors the Sub-Committee **RESOLVED – That they did not feel it necessary to remove the DPS at this time and acknowledged his co-operation with both the Lancashire Constabulary and Local Authority. However, the Sub-Committee felt it appropriate to include the conditions as recommended by Lancashire Constabulary, to achieve the prevention of crime and disorder, set out below, on to the Premises Licence:**

Prevention of Crime and Disorder

- 1. A tamper proof CCTV system to be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hours each and every day.**
- 2. There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.**
- 3. The use of door supervisors at the premises shall be determined by a written risk assessment agreed between the DPS and the security provider which will use the ratio of 1 door supervisor per 75 customers.**
- 4. Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request.**
- 5. Any outside area used for the consumption of alcohol shall have a substantial barrier around it, the design and construction of which shall be to the satisfaction of the relevant responsible authorities.**
- 6. Customers using the outside area will be prohibited from taking glasses and bottles out of the premises and any drink consumed in this area will be in plastic/polycarbonate glasses.**
- 7. Door Supervisor when used, will prevent customers leaving the premises with glasses and bottles.**
- 8. The premises will have a written drugs policy to the satisfaction of the Police that will include a search policy and all staff will have a working knowledge of it.**
- 9. All staff will receive ongoing training in Drug Awareness; this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority on reasonable request.**

10. The premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises, and that a search policy as condition of entrance operated at the premises.
11. The premises will be an active member of the local Pubwatch Scheme, where on exists, and shall abide by its rules and constitution.
12. The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority.
13. The DPS will have a written policy in relation to drunkenness to the satisfaction of the Police and all staff will be subjected to ongoing training in respect of its contents. This training will be recorded and copies of these records will be made available on request to any responsible authority.
14. All rear exit doors at the premises shall be fitted with an alarm attached to a panel which will indicate if any of these doors are opened and will be in operation at any time licensable activities are provided at the premises.

Prevention of Public Nuisance

1. All music played in any outside area shall be at background level.

Protection of Children from Harm

1. The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority. This policy shall state that nay person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognises proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport.
2. Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.

The Sub-Committee recognised that relevant permission would need to be sought from the Local Authority as landlord (for the White Hart) for the addition of the proposed barrier and relevant planning permission would also need approval for the barrier due to it being over one meter.

It was therefore agreed that all the conditions were required to be met by no later than 1 June 2011.

Chair