

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 9 March 2017

Present:

Councillors D Burgess-Joyce
P Stuart
M Sullivan

33 APPOINTMENT OF CHAIR

Resolved – That Councillor P Stuart be appointed Chair for this meeting.

34 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

35 APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WINE CELLAR, 72-74 MARTINS LANE, LISCARD

The Managing Director for Delivery reported upon an application that had been received from Trading Standards for the review of the Premises Licence in respect of the Wine Cellar, 72-74 Martins Lane, Liscard, under the provisions of the Licensing Act 2003.

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report.

The Managing Director for Delivery advised that the Sub-Committee may, having regard to the application for review and any other relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- Modify the Conditions of the Licence
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the review did not require it to take any steps necessary to promote the licensing objectives.

The grounds for review were in relation to the sale of tobacco to a person under the age of 18 years which occurred at the premises.

No representations had been received from any of the other Responsible Authorities.

Heidi Jones, Trading Standards, attended the meeting.

The Premises Licence Holder who was also the Designated Premises Supervisor was in attendance together with the owner of the business and their representative, Mr Carr.

The Licensing Manager confirmed that all documentation had been sent and received.

Heidi Jones, Trading Standards reported that an underage sale of tobacco had taken place at the premises on 4 August 2016. She informed Members that warning letters had been issued to the Premises Licence Holder and the seller of the tobacco on 27 September 2016 during a visit to the premises. During this visit, it had been explained to the Premises Licence Holder that the current conditions of the Premises Licence should be strengthened to assist the business in preventing sales of age restricted products to minors. Ms Jones expressed her concerns in respect of the ID that had been produced and the recording of incidents in the refusals register, also that the licence and the training records had not been available upon request. Trading Standards advised Members that the reason they had sought a review of the Premises Licence was to seek an amendment to the Premises Licence to add a number of conditions that would promote the licensing objectives, in particular, crime and disorder and the protection of children from harm.

Ms Jones responded to questions from Mr Carr and Members of the Sub-Committee.

Mr Carr addressed the Sub-Committee and advised that procedures were already in place at the premises to prevent underage sales. He made reference to training and produced certificates issued by Trading Standards. He advised Members that the premises operated a Challenge 25 Policy and a refusals book. Mr Carr expressed some concern regarding the request made by Trading Standards to include a condition regarding refresher training and clarity was sought in respect of what would be expected should this be a condition attached to the Premises Licence.

Mr Carr, the Premises Licence Holder and owner of the premises, responded to questions from Members of the Sub-Committee, the Licensing Manager and Mr D K Abraham, Legal Advisor to the Sub-Committee.

In determining the review Members have had regard to the licensing objectives, in particular the prevention of crime and disorder and the protection of children from harm as well as the Council's Statement of Licensing Policy and relevant guidance issued under section 182 of the Licensing Act 2003.

Members expressed their concerns that the conditions had not been agreed to by the Premises Licence Holder during original discussions that had taken place which would have avoided the need for the Licence to be brought into review.

Members also had concerns regarding the management of the premises in that the Premises Licence Holder had been unable to demonstrate that she had an effective

process in place to ensure that all staff working at the premises understood their responsibility in respect of underage sales.

In determining the matter, Members of the Sub-Committee gave consideration to the view of Trading Standards that the problems identified at the premises could be addressed through better management and conditions attached to the Premises Licence.

Resolved –

- (1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.**
- (2) That the Conditions of the Premises Licence in respect of the Wine Cellar, 72-74 Martins Lane, Liscard be modified as follows:**
 - **All staff permitted to sell alcohol at the premises must hold a minimum of a Level 1 Award in Responsible Alcohol Retailing or hold the Fair Trading Award ‘Do you Pass’ provided by Wirral Trading Standards.**
 - **All staff permitted to sell alcohol must receive refresher training at least every 6 months. The refresher training must include:**
 - **The prevention of the sale of alcohol to persons under the age of 18.**
 - **The Challenge 25 Policy.**
 - **The sale of alcohol to persons who are drunk.**
 - **The social responsibility of persons involved in the sale of alcohol.**

This training may be undertaken in house by a member of staff who holds a minimum of a Level 1 Award in Responsible Alcohol Retailing or hold the Fair Trading Award ‘Do you Pass’ provided by Wirral Trading Standards. A written record of all training must be made which must include a signature from each staff member who has received the training. The record must be kept on the premises and be available to an Authorised Officer on request.

- **The premises must operate a Challenge 25 policy in relation to the sale of alcohol.**
- **A paginated Challenge 25 Register must be kept containing details of all challenges for proof of age including those where proof of age is subsequently produced. This register must be kept on the premises and made available to an Authorised Officer upon request.**
- **The Premises Licence Holder must undertake a weekly review of the Challenge 25 register to ensure it is being used appropriately as a tool**

to prevent underage sales. The Register must be signed by the Premises Licence Holder on each occasion it is being reviewed.