

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
FOR PRIORY NEWS, 72a PRIORY LANE, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the premises licence for Priory News, 72a Priory Lane, Scunthorpe
- 1.2 There has been one representation, which has been deemed relevant. This is detailed in paragraph 4.2 and is attached to this report as Appendix A.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for the review of a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- 2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a premises licence for Priory News was received on 2 August 2013. A copy of the application is attached to the report at Appendix A.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the premises licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the licensing authority.
- 3.3 A notice under Regulation 38(a) of the Licensing Act 2003 (Advertisement of review by licensing authority) Regulations 2005, was prominently displayed for 28 consecutive days dated 2 August 2013. This notice is attached to this report as Appendix B.
- 3.4 A notice under Regulation 38(b) of the Licensing Act 2003 (Advertisement of review by licensing authority) was published on the North Lincolnshire Council Website for 28 consecutive days starting on the day after the day on which the application was given to the licensing division.
- 3.5 There have been no further representations received with regard to the application for review.
- 3.6 A copy of the current Premises Licence is attached to this report at Appendix C.
- 3.7 A previous Review of the premises was held on 7 February 2012. At that time, the review application was submitted by Trading Standards following evidence received of underage sales. A copy of the Decision Record following this Hearing is attached at Appendix D.

4. OUTCOMES OF CONSULTATION

4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Comment
Licensing Authority	No comments received
Humberside Police	Applied for Review – see Appendix A for details
Humberside Fire & Rescue Service	No comments received
Environmental Health - Commercial	No comments received
Health & Safety	No comments received
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	No comments received
Child Protection	No comments received
Public Health	Comments received in support of Humberside Police decision, however this does not constitute a further representation
Planning	No comments received
Interested Parties	No comments received
Premises Licence Holder	No comments received

5. OUTCOMES OF MEDIATION

5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 27-29.

6.1.2 One representation has been received raising concerns with regard to this objective

6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 36-39.

6.4.2 One representation has been received raising concerns with regard to this objective

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix E.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.

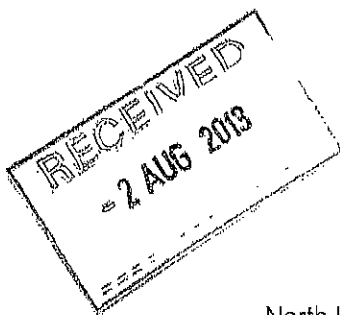
8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.

8.3 That the Sub-Committee provides the reasons for its decision.

Director of Places

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
Author: Linda Marshall
Date: 2 September 2013

Background Papers used in the preparation of this report Nil



APPENDIX A

North Lincolnshire Council, Neighbourhood & Environmental Services
Licensing Division, Church Square House, P O Box 42, Scunthorpe, DN15 6XQ
Tel (01724) 297750 or 297745/Fax: (01724) 297898/email: licensing@northlincs.gov.uk

**Application for the review of a premises licence
or a club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Lisa Vines on behalf of Humberside Police

(insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Priory News 72A Priory Lane North Lincolnshire	
Post town Scunthorpe	Post code (if known) DN17 1HE
Name of premises licence holder or club holding club premises certificate (if known) Mr Ahtish Bathia	
Number of premises licence or club premises certificate (if known) PRM0126	

Part 2 – Applicant details

I am Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick yes

I am 18 years old or over

Current address

Post town Post code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Lisa Vines Humberside Police Southbank Licensing Scunthorpe Headquarters Corporation Road DN15 6QB
Telephone number (if any) 01724274255
E-mail (optional) Lisa.Vines@humberside.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Humberside Police had intelligence that the occupier of Priory Lane News (Mr Ahtish BATHIA) was dealing in cannabis from his shop and home address. Mr BATHIA is the Premises Licence Holder and Designated Premises Supervisor for an off licence.

A warrant was executed at the premise of Priory Lane News where a small bag of herbal cannabis was found on Malcolm BARKER, who helps out at the premises for no payment and 7 small bags of herbal cannabis in a jacket belonging to Jonathan MATTHEWS, ex-employee of Prior News.

Further investigation resulted in PC93 Hayes seizing an amount of cannabis resin from inside the safe on the premises, which was bricked into the wall.

Small clear plastic bags were also seized from under the shop counter, which matched the bags which the 7 bags of herbal cannabis from the jacket

A second warrant was executed at the home address of Mr BATHIA, where the following items were seized: a jar of herbal cannabis, 4 sandwich bags containing herbal cannabis, 1 smaller bag of herbal cannabis, 1 bag containing 5 small re-sealable bags containing herbal cannabis, 1 lump of cannabis resin, 1 large block of cannabis resin and 1 small bag of herbal cannabis (exhibit IKH/2). Also seized from the home address was a pair of weighing scales found in the top draw of the chest in the master bedroom, a glass pipe with more clear re-sealable bags matching the ones in priory news containing the cannabis.

Mr BATHIA was interviewed by PC 2030 POWNEY and PC93 HAYES in the presence of his legal representative. At which point he stated that all the drugs were for his own personal use and he was using approximately £20 - £30 per day. Mr BATHIA admitted to keeping the drugs in the safe on the premises but again it was only for his own personal use.

Mr BATHIA has admitted that various individuals not in his employment, including an ex employee have unsupervised access to the rear store at any time and that he is aware that they both use cannabis.

Humberside Police are suggesting bail for 2 months in order to allow the evidence to be tested in order to assess strength of the drugs, forensic submissions and POCA to investigate.

The use of the premises to store the class B drugs is inappropriate with the objective to prevent crime and disorder. The possession of class B drug could result in 6 months imprisonment and /or a fine of £5000.

Humberside Police are concerned over the lack of management capability and personal responsibility as evidenced through control of access to the store area, the criminal activity of possession and the impact of using a licensed premise to store class B drugs.

With this information, we believe that the Premises Licence holder has shown a blatant disregard for their responsibilities when required to abide by the law and as such, we are of the mind that they are unable to promote the licensing objectives in a proactive and successful manner.

Humberside Police believe this action is both necessary and proportionate in the circumstances.

Please provide as much information as possible to support the application (please read guidance note 2)

All evidence will be submitted to the Licensing Authority at a later date.

HumberSide Police reasonably ask the revoking of the premises license we feel that the removal of this individual as the DPS or strict conditions will not be enough to change the negative and illegal culture that has been created.

Please tick ✓
yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

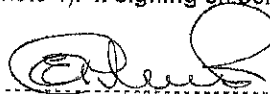
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

 Philip Vines

Date 30 July 2013

Capacity Licensing Officer Southbank Licensing Humberside Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



TECHNICAL AND ENVIRONMENT SERVICES
LICENSING ACT 2003
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
PRESCRIBED FORM OF NOTICE

Take notice that an application has been made to North Lincolnshire Council on **2 August 2013** for a review of a premises licence in respect of the premises know as:

Priory News

Situated at **72A Priory Lane, Scunthorpe, North Lincolnshire, DN17 1HE**

on the grounds of:

The Prevention of Crime & Disorder – the criminal activity of possession and the impact of using a licensed premise to store class B drugs.

Humberstone Police believe that the Premises Licence holder is unable to promote the licensing objectives in a proactive and successful manner.

Interested parties can make representation in writing to:

Technical and Environment Services, Licensing Division, P O Box 42, Church Square House, Scunthorpe, North Lincolnshire DN15 6XQ, no more than 28 days starting on the day on which the application was given to North Lincolnshire Council's Licensing Division 02 August 2013 stating the grounds for review. For guidance the 'Licensing Policy' can be found on the North Lincolnshire website www.northlincs.gov.uk

(The application setting out the full details can be viewed at Church Square House 9.30 am to 4.30 pm Monday to Friday), or can be viewed on the councils website at www.northlincs.gov.uk, search for Review Applications.

Signed 

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises licence number

PRM0126

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Priory News 72a Priory Lane Scunthorpe North Lincolnshire	
Post Town: Scunthorpe	Post Code: DN17 1HE
Telephone Number: 01724 842281	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities
<u>Sale of Alcohol for Consumption Off the Premises - Authorised Hours</u>
Monday 08:00 hrs to 23:00 hrs Tuesday 08:00 hrs to 23:00 hrs Wednesday 08:00 hrs to 23:00 hrs Thursday 08:00 hrs to 23:00 hrs Friday 08:00 hrs to 23:00 hrs Saturday 08:00 hrs to 23:00 hrs Sunday 08:00 hrs to 23:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 08:00 hrs to 23:00 hrs

Tuesday 08:00 hrs to 23:00 hrs

Wednesday 08:00 hrs to 23:00 hrs

Thursday 08:00 hrs to 23:00 hrs

Friday 08:00 hrs to 23:00 hrs

Saturday 08:00 hrs to 23:00 hrs

Sunday 08:00 hrs to 23:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

For Consumption Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ahtish Bathia
122 Trinity Street
Gainsborough
DN21 1JD

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ahtish Bathia
122 Trinity Street
Gainsborough
DN21 1JD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by **West Lindsey DC**, Licence Number: **32UHA50273**

Annex 1 – Mandatory conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
 - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
 - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

No Conditions Attached

Prevention of Crime and Disorder

Conditions attached at Annex 3

Public Safety

General Safety

The premises and all fixtures, fittings, equipment (including electrical fittings and equipment), furnishings, decorations and curtains on or about the premises shall be constructed and arranged safely and maintained in a safe and clean condition and in good order (including where appropriate, good working order).

Prevention of Public Nuisance

No Conditions Attached

Protection of Children from Harm

The premises shall sign up to an approved proof of age scheme, or shall ask customers to produce photo identification, which includes their date of birth.

Conditions attached at Annex 3

Annex 3 – Conditions attached after a hearing by the licensing authority

Prevention of Crime and Disorder

A full CCTV system shall be in operation at the premises in accordance with the Humberside Police Codes of practice. This shall cover the internal areas so that persons purchasing alcohol can be easily identified. CCTV shall be installed to the following standard:

- a) The CCTV system shall be registered in accordance with the Data Protection Act.
- b) There shall be sufficient cameras to cover the area where alcohol is displayed and stored, with additional cameras at the checkout giving a clear picture of the purchasers face.
- c) The system shall be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 28 days and handed to a Police Constable or authorised person upon request.
- d) If the system uses tapes then there should be sufficient for 28 days. These tapes will need to be replaced every six months to maintain the quality of the images recorded.
- e) The premises licence holder and the designated premises supervisor will be responsible for the operation of the system and shall ensure that it is maintained in accordance with these codes of practice.
- f) The system shall be maintained in working order.
- g) Recordings must be made for each trading period conducted at the premises.

Protection of Children from Harm

The premises licence holder shall ensure that all employees are trained in relation to the sale of alcohol to persons under 18 years of age and trained in relation to the conditions attached to the licence. The training shall be carried out on initial employment and then at a minimum of 6 monthly intervals thereafter. Written records shall be maintained on the premises, which shall be signed and dated by the premises licence holder and the employee; and shall be available for inspection upon request by a Police Constable, authorised officer or Trading Standards Officer.

A refusals book shall be maintained at the point of sale. All refusals or requests for ID shall be entered into the said book. The licensee or designated supervisor shall audit the book at least once per calendar month, signing and dating when each check is carried out.

All persons who appear to be under 21 years of age shall be asked to produce valid proof of age, which shall include a valid passport, UK/EU photo driving licence or Pass approved ID.

All tills shall have a prompt system for alcohol sales.

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises licence number

PRM0126

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Priory News 72a Priory Lane Scunthorpe North Lincolnshire	
Post Town: Scunthorpe	Post Code: DN17 1HE
Telephone Number: 01724 842281	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol for Consumption Off the Premises
--

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption Off the Premises - Authorised Hours

Monday 08:00 hrs to 23:00 hrs
Tuesday 08:00 hrs to 23:00 hrs
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Thursday 08:00 hrs to 23:00 hrs
Friday 08:00 hrs to 23:00 hrs
Saturday 08:00 hrs to 23:00 hrs
Sunday 08:00 hrs to 23:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 08:00 hrs to 23:00 hrs
Tuesday 08:00 hrs to 23:00 hrs
Wednesday 08:00 hrs to 23:00 hrs
Thursday 08:00 hrs to 23:00 hrs
Friday 08:00 hrs to 23:00 hrs
Saturday 08:00 hrs to 23:00 hrs
Sunday 08:00 hrs to 23:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies
For Consumption Off the Premises

Name, (registered) address of holder of premises licence

Ahtish Bathia
122 Trinity Street
Gainsborough
DN21 1JD

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ahtish Bathia

State whether access to the premises by children is restricted or prohibited

Unrestricted

LICENSING ACT 2003 SUB-COMMITTEE 2012

DETAILED DECISION RECORD

**Application for the review of a premises licence, Priory News,
72A Priory Lane, Scunthorpe, North Lincolnshire**

(This Record of Decision is made pursuant to the Licensing Act 2003
(Hearings) Regulations 2005 made under the Licensing Act 2003)

The Meeting was held at the Civic Centre, Scunthorpe on 7 February 2012

Present: ➤ Councillors Clark, Glover and Oldfield

Applicant for the Review: (and representatives) ➤ Mr S Talbot (Head of Trading Standards)

➤ Mrs K Dinsdale (Trading Standards Officer - Safety)

Premises Licence Holder: (and representatives) ➤ Mr A Pascoe (Solicitor)

➤ Mr A Bathia (Premises Licence Holder)

Advisers:

Democratic Services Officer: Mr M Nundy

Legal Adviser: Mrs V Wilcockson

Licensing Officers: Mrs N Ellis and Mr N Bramhill

1. APPOINTMENT OF CHAIRMAN

That Councillor Clark be appointed Chairman for the meeting.

2. DECLARATIONS OF PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS

Councillor Oldfield declared a personal interest in that he was a licence holder.

3. DETAILS OF THE APPLICATION

An application for review of a premises licence was received for Priory News, 72A Priory Lane, Scunthorpe.

4. DOCUMENTS READ AND EVIDENCE

Prior to the hearing the Sub Committee considered the following:

- The application to review the premises licence made by Trading Standards
- The current Premises Licence

The sub-committee has heard evidence and submissions from

- Mr S Talbot (Head of Trading Standards)
- Mrs K Dinsdale (Trading Standards Officer - Safety)
- Mr A Pascoe (Solicitor)

5. APPLICATION TO VARY THE PROCEDURE

There were no applications to vary the procedure.

6. ISSUES ARISING OUT OF THE HEARING

Trading Standards (applicant for the review of the licence) submitted that –

- The North Lincolnshire Council Strategic Plan lists 15 priorities for the borough. Two of the priorities relate to ‘reducing anti-social behaviour’ and ‘keeping children and young people safe’.
- Trading Standards and the Police are empowered under the Licensing Act 2003 to carry out test purchasing exercises to ascertain if alcohol will be sold to persons under the age of eighteen. Whilst detecting crime, these exercises protect children from harm by reducing the number of such sales and preventing the public nuisance caused by children who become intoxicated following the sales.
- On 11 January 2011, a Police Officer observed a youth who appeared to be younger than 18 years old carrying alcohol. The Officer spoke to the youth, who admitted that they were under 18 years old and had bought the alcohol from Priory News, 72A Priory Lane, Scunthorpe. Consequently, the employee was issued with a fixed penalty notice by the Police Officer.

- On 13 January 2011, Trading Standards visited the premises and following a discussion with Mr Bathia, issued him with an 'under age sales pack' which contained useful information on preventing alcohol being sold to minors.
- Trading Standards and the Police carry out a number of test purchasing exercises each year. A test purchase exercise was undertaken at Priory News, 72A Priory Lane, Scunthorpe on 4 March 2011. This exercise resulted in alcohol being sold to a 15 and 16 year old youths.
- Trading Standards use children who are fifteen or sixteen years of age. The children are selected not only on their age but also their appearance, in that they are deemed to look their actual age. The children used are photographed prior to the exercise as a record of their appearance on the day. The children are instructed not to lie during the exercise and if asked, they will give their real age. The children are not provided with any forms of identification.
- Following the test purchasing exercise, the employee was issued with a fixed penalty notice.
- Consequently, at Scunthorpe Magistrates Court on 23 November 2011, Mr Bathia pleaded guilty to two counts of selling alcohol to persons under 18 years of age.
- Trading Standards still have concern with regard to the use of the refusals book and a lack of evidence that employees are receiving regular training on the selling of alcohol.
- Trading Standards do not seek the revocation or suspension of the premises licence, merely an agreement that a number of conditions Trading Standards have drafted be added to the existing licence.

Mr A Pascoe (on behalf of the premises licence holder) submitted that –

- It would have been helpful had Trading Standards circulated their list of proposed conditions to be attached to the licence prior to the meeting as, by their own admission, they were not seeking for the premises licence to be revoked or suspended. There was consequently a good chance that successful mediation could have been held between both parties.
- Mr Bathia's conviction at court was an 'absolute offence', ie where there is no discretionary defence available. Because Mr Bathia's employees admitted selling the alcohol to the minors, he was unable to state his defence to the court. This was unfortunate as for both under age sales, Mr Bathia was not on the premises.
- Mr Bathia sought legal counsel as to whether the interpretation that this was an 'absolute offence' was legally binding. However, because Mr Bathia was informed that the council would not be seeking a review of the premises licence, the advice from the legal counsel was not acted upon.

- Had Mr Bathia known that the council was indeed seeking to review the premises licence then he would have challenged the 'absolute offence' interpretation.
- The first instance of alcohol being sold to a minor occurred when the employee knowingly sold the alcohol to a friend, choosing to ignore the fact that the individual was under age.
- The second instance was unfortunate and the employee made an error of judgement.
- Both employees are no longer employed by Mr Bathia, who now runs the premises with one other individual.
- Of Mr Talbot's additional conditions, the Premises Licence Holder is comfortable with them all, apart from numbers two and seven which, in our opinion, are excessive. However, we reiterate the fact that had these conditions been circulated prior to the meeting then this hearing would probably have not been necessary.

6. DECISION AND REASONS OF THE SUB COMMITTEE

The Sub-Committee resolved unanimously to the following -

1. Condition

The premises licence holder shall ensure that all employees are trained in relation to the sale of alcohol to persons under 18 years of age and trained in relation to the conditions attached to the licence. The training shall be carried out on initial employment and then at a minimum of 6 monthly intervals thereafter. Written records shall be maintained on the premises, which shall be signed and dated by the premises licence holder and the employee; and shall be available for inspection upon request by a Police Constable, authorised officer or Trading Standards Officer.

The condition relates to the following Licensing Objectives -

Prevention of Crime and Disorder	x
Public Safety	x
The Prevention of Public Nuisance	x
The Protection of Children from Harm	√

Reason

To ensure effective training and to prevent further under age sales

2. Condition

A refusals book shall be maintained at the point of sale. All refusals or requests for ID shall be entered into the said book. The licensee or designated supervisor shall audit the book at least once per calendar month, signing and dating when each check is carried out.

The condition relates to the following Licensing Objectives -

Prevention of Crime and Disorder	x
Public Safety	x
The Prevention of Public Nuisance	x
The Protection of Children from Harm	√

Reason

To prevent further under age sales.

3. Condition

All persons who appear to be under 21 years of age shall be asked to produce valid proof of age, which shall include a valid passport, UK/EU photo driving licence or Pass approved ID.

The condition relates to the following Licensing Objectives –

Prevention of Crime and Disorder	x
Public Safety	x
The Prevention of Public Nuisance	x
The Protection of Children from Harm	√

Reason

To prevent under age sales

4. Condition

All tills shall have a prompt system for alcohol sales.

The condition relates to the following Licensing Objectives –

Prevention of Crime and Disorder	x
Public Safety	x
The Prevention of Public Nuisance	x
The Protection of Children from Harm	√

Reason

To prevent under age sales

5. Condition

A full CCTV system shall be in operation at the premises in accordance with the Humberside Police Codes of practice. This shall cover the internal areas so that persons purchasing alcohol can be easily identified. CCTV shall be installed to the following standard:

- a) The CCTV system shall be registered in accordance with the Data Protection Act.
- b) There shall be sufficient cameras to cover the area where alcohol is displayed and stored, with additional cameras at the checkout giving a clear picture of the purchasers face.
- c) The system shall be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 28 days and handed to a Police Constable or authorised person upon request.
- d) If the system uses tapes then there should be sufficient for 28 days. These tapes will need to be replaced every six months to maintain the quality of the images recorded.

- e) The premises licence holder and the designated premises supervisor will be responsible for the operation of the system and shall ensure that it is maintained in accordance with these codes of practice.
- f) The system shall be maintained in working order.
- g) Recordings must be made for each trading period conducted at the premises.

The condition relates to the following Licensing Objectives –

Prevention of Crime and Disorder	√
Public Safety	x
The Prevention of Public Nuisance	x
The Protection of Children from Harm	x

Reason

To replace and update the existing condition referring to CCTV (Annex 2 page 25 of the agenda paper refers)

Date: 16 February 2012

Chairman's Signature:

