

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 31 OCTOBER 2011

LICENSING ACT 2003 – DECISIONS OF LICENSING SUB-COMMITTEE HEARINGS HELD IN SEPTEMBER/OCTOBER 2011

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of the outcomes of Licensing Sub-Committee hearings held in September and October 2011.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is requested to note the contents of the report.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Under the Licensing Act 2003, Sunderland City Council has responsibility for licensing the sale of alcohol, regulated entertainment and late night refreshment within its area. This encompasses the determination, grant, administration and enforcement of premises licences, club premises certificates, personal licences and temporary event notices.
- 3.2 During September and October 2011, Licensing Sub-Committees met to consider an application for a variation of a premises licence, and two applications for the review of premises licences.

4.0 CURRENT POSITION

- 4.1 On 19 September, a Licensing Sub-Committee consisting of Councillors P Gibson, D McKnight and P Maddison considered an application to vary the premises licence held by Mr Harjit Singh Jawanda in respect of The Golden Fry, 38 Westbourne Terrace, Houghton-le-Spring, DH4 4QU. The application was to extend the licensable hours for the sale by retail of alcohol and the provision of late night refreshment and to remove a condition which restricted the sale of alcohol so that it could only be sold with over the counter sales of food or with food delivery. Northumbria Police objected to the application as they believed that the removal of this condition would undermine the crime prevention objective. A further three representations were received from Councillors A Hall, J Scott and M Speding objecting to the extension of the hours to 01:00 a.m. as they believed it would lead to anti-social behaviour and noise close to residential properties and a nursing home.
- 4.2 Immediately prior to the hearing, the representative of the licensee met with the police and the interested parties and outlined the following compromise:
 - To allow sales of alcohol without food between 11:00 and 22:00 every day;

- To allow alcohol to be sold and delivered in conjunction with a food order only between 22:00 and 00:30 every day;
- Alcohol to be stored behind the food counter and not to be displayed on the shop floor, except in a fridge to which the public have no access;
- The Challenge 21 scheme currently in operation at the premises to be changed to a Challenge 25 scheme; and
- A prominent notice to be displayed in the shop detailing the conditions on the licence.

4.3 After hearing representations from Northumbria police, the interested parties and the licensee the decision of the Sub-Committee was to agree the conditions suggested in paragraph 4.2 above.

4.4 On 26 September 2011, a Licensing Sub-Committee consisting of Councillors P Gibson, D Richardson and A Emerson considered an application to review the premises licence held by Mr Petrit Muca in respect of Newline, Victoria Place, Sunderland SR4 7EN submitted by Northumbria Police (supported by the Council's Trading Standards Section) on the grounds of the prevention of crime and disorder and the protection of children from harm, following two sales of alcohol to a child volunteer during test purchasing exercises and 38 incidents that the police have recorded at the premises dating from 18 September 2009.

4.5 After hearing representations from Northumbria Police, the Trading Standards Section and the licensee, the decision of the Sub-Committee was to revoke the premise licence.

4.6 On 11 October 2011, a Licensing Sub-Committee consisting of Councillors A Wilson, D Waller and R Francis considered an application to review the premises licence held by Hendon Discount Stores Ltd in respect of Premier Express trading as Ray's Convenience Stores, 15 Borough Road, Sunderland, SR1 1EQ submitted by the Council's Trading Standards Section (supported by Northumbria Police) on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm, following three sales of alcohol to a child volunteer during test purchasing exercises.

4.7 After hearing representations from Trading Standards, Northumbria Police and the licensee, the decision of the Sub-Committee was to attach the following conditions to the premises licence:

- The Licence holder shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purposes of fulfilling the terms and conditions of the licence.
- The premises shall operate and keep a record of incidents and refusals at the premises. Such shall be available, upon request, for inspection by the Police, Trading Standards or the Licensing Authority.

- A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with the local police. Such a system shall:
 - (i) Be operated by properly trained staff,
 - (ii) Be in operation at all times that the premises are being used for a licensable activity,
 - (iii) Ensure coverage of all entrances and exits to the Licensed Premises internally and externally,
 - (iv) Ensure coverage of such other areas as may be required by the Licensing Authority and the local police,
 - (v) Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained digitally for a period of 28 days, and shall be supplied to the Licensing Authority or a police officer on request.

- In accordance with a Challenge 25 scheme, all members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol in order to prove that they are over the age of 18. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

- An Electronic Point of Sale (EPOS) system shall be installed in the premises. The EPOS system shall identify to staff when any age restricted product is being purchased and shall prompt the member of staff to request identification in line with the stores Challenge 25 policy.

- A staff training record shall be maintained at the premises
 - (a) All members of staff shall receive internal training on their responsibilities, with a particular focus on issues surrounding underage sales of alcohol. Training will be given to all new staff before they are permitted to serve alcohol, and then refreshed a month later.
 - (b) All staff shall be trained every 3 months. All staff shall be trained by an external training provider every 6 months. Training will focus upon age restricted products, policies and procedures, challenge 25, conflict management and partnership working.
 - (c) A record of training shall be kept at the premises, and be available, upon request, for inspection by Police, Trading Standards or the Licensing Authority (together with the training manual).

- The premises will take part in Bottle Watch or similar operations.

- An employee from the premises will attend at any available 'Off Watch ' (or similar scheme) ran in the locality.

5.0 REASONS FOR THE DECISION

5.1 To advise members of the outcomes of Licensing Sub-Committee hearings held in September and October 2011.

6.0 ALTERNATIVE OPTIONS

6.1 None.

7.0 RELEVANT CONSIDERATIONS

7.1 None.

8.0 GLOSSARY

8.1 None.

9.0 LIST OF APPENDICIES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 None.