

**LICENSING ACT 2003 SUB-COMMITTEE
TUESDAY 15th MAY 2012**

PRESENT – *Councillor John Wright (in the Chair), Councillor
Councillor David Pearson and Councillor Dorothy Walsh*

RESOLUTIONS

57 Declarations of Interest

There were no declarations of interest

58 Application for a review of a Premises Licence – Wensley Mini Market, 75 Wensley Road, Blackburn, BB2 1QA

The Sub-Committee considered an application for a review of a Premises licence in respect of Wensley Mini Market, 75 Wensley Road, Blackburn, BB2 1QA. The application had been submitted by PC2549 Steven Finley, Police Licensing Officer under section 51 of the Licensing Act 2003, on 5th April 2012.

It was reported that the grounds for the review were the Protection of Children from Harm. The premises had failed two consecutive test purchase operations in a three month period.

A copy of the application and supporting statements from PC Finley and the Council's Public Protection and Council's Trading Standards Services were attached to the report at appendices 1 to 2f.

All responsible authorities had been consulted and advertisements had been displayed in accordance with the provisions of the Licensing Act.

In considering the application for the review, Members took into account the information presented by the Council's Public Protection Officers, Trading Standards Officers, representations from P C Steve Finley and Sergeant Jason Middleton, Mr Fida Ashraf, the Premises Licence Holder at Wensley Mini Market and Gill Sherratt of Licensing Matters, making representation on behalf of Mr Ashraf. Additional supporting information on behalf of Wensley Mini Market was submitted to the Sub Committee by Gill Sherratt which included the following:

- Staff training documents
- Extract from current refusals log book
- Photos of new Challenge 25 posters in store
- Due diligence internal training manual
- Proposed conditions

Following submissions by the Council's Public Protection and Trading Standards Services, representations from P C Finley, Sergeant Jason Middleton, Mr Fida

Ashraf and Gill Sherratt, the Sub-Committee retired to seek legal advice.

The Chair of the Sub Committee advised those present that in reaching a decision, the Sub Committee had considered the Licensing Act 2003 and the section 182 guidance, relevant human rights articles, representations from the Police, the DPS Premises Licence Holder, their representative Miss Sherratt and representations from the Council's Trading Standards and Public Protection Service.

The Chair also advised that the Sub Committee had considered the recommendations put forward by the Police and in terms of any suspension had considered the relevant sections of the 182 guidance, in particular, section 11.24 and the possible financial detriment the DPS Licence holder would suffer as a consequence of the actions of his staff.

The Chair further advised that the Committee had considered the two failed test purchases and that no formal training had been provided to the employee prior to the second failed purchase. The Committee accepted that measures had now been put into place to improve compliance with the Licensing objective of the protection of children from harm.

RESOLVED – That the Premises Licence in respect of Wensley Mini Market, 75 Wensley Road, Blackburn, BB2 1QA be suspended for a period two weeks as a necessary means of ensuring that the DPS was aware of the gravity of selling alcohol to under age children and as a means of promoting the licensing objective of the protection of children from harm.

The Chair also advised that the Committee had decided to impose the proposed conditions as set out in the supporting documentation which had been submitted to the Committee as follows:

1. The store to run a Challenge 25 policy, whenever a person appeared to be under the age of 25 they would be asked for ID to prove they are over 18.
2. Challenge 25 posters would be displayed in prominent locations around the store.
3. A refusals and incidents register would be maintained at the shop and signed off by the DPS every week.
4. All staff would receive documented training with the internal 'due diligence' training manuals OR to a minimum of the BII level a ARAR course, prior to making sales of alcohol.
5. All staff would receive documented refresher training every quarter.
6. Training documents would be made available to the authorities upon request.
7. A staff member with the APLH qualifications would be on site at all times
8. The only types of ID to be accepted are photo-card driving licences, passports and PASS logo cards.

The Chair advised that the Committee believed that the conditions would assist

in the prevention of future under age sales.

The DPS Premises Licence Holder was advised of the 21 day time period to lodge an appeal to the magistrates court. The DPS Premises Licence Holder was also advised that the suspension period would not begin until the 21 days period had lapsed or any appeal had been dispensed with.

Signed
Chair of the meeting at which the Minutes were signed

Date