

**Minutes of a Meeting of the
WBC Licensing and Control Committee 'B' of
Worthing Borough Council**

Gordon Room, Town Hall, Chapel Road, Worthing

Thursday 6 November 2013

Councillor John Rogers (Chairman)

Noel Atkins	Diane Jones
Roy Barraclough	Roger Oakley
Keith Bickers	*David Potter
Christine Brown	Val Turner
*David Chapman	Vicky Vaughan
Norah Fisher	Nicky Waight
Paul Howard	Vic Walker

*Absent

LCCB/13-14/17 Declarations of Interest

There were no declarations of pecuniary interest

LCCB/13-14/18 Minutes

Resolved: that the WBC Licensing and Control Committee 'B' held on the 26 March 2013 and the WBC Licensing and Control Committee 'B' Sub-Committees held on 1 May 2013, 10 July 2013, 31 July 2013, 14 August 2013 and the 28 August 2013 be approved as the correct record and be signed by the Chairman

LCCB/13-14/19 Public Question Time

There were no questions or statement made by the public

LCCB/13-14/20 Items Raised Under Urgency Provisions

The Chairman introduced an item to the Committee. Members were told that an application for review due to be held on the 31 October 2013 had to be cancelled due to a sanitation problem in the meetings venue and he was sufficiently satisfied that the matter be brought to the Committee for determination as an urgent item. Members were told that the item would be taken as the last item on the agenda

LCCB/13-14/21 Application for a Review of a Premises Licence of Premier Supermarket Express, 4-6 South Street, Tarring, Worthing

Before the Committee was a report by the Executive Head of Housing, Health and Community Safety, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 5.

An application for the review of the premises licence of 'Premier Supermarket Express' had been received from West Sussex Trading Standards. The application was submitted on the grounds that the licence holder was undermining the licencing objective 'the protection of children from harm' following a failed test purchase in February 2013. The report drew the Member's attention to Mediation had taken place between the parties and it was proposed that

agreed conditions be imposed on the premises licence as appropriate measures to promote the licensing objectives. The report detailed a previous review of the premises undertaken in 2012.

The Senior Licensing Officer outlined the application before the Committee and detailed mediation agreed between the two parties. He asked Members take into account a request from the Licence holder that the three week suspension of the licence be held back until after the festive period. It was contended by the licence holder that a suspension taking place during the festive period would be financially damaging to his business. The applicants (West Sussex Trading Standards) confirmed that the Senior Licensing Officer's introduction was an accurate representation of the facts. The applicants also added that they had no opposition to the respondent's request to delay the suspension of the licence but felt that the matter should be left to the discretion of the Committee.

The Committee sought clarification as to the reasons for introducing a three week suspension. The Senior Licensing Officer stated that the suspension would act as a deterrent.

The Trading Standards representative had nothing to add to the report other than to highlight the outcome of the previous review of the premises.

The respondent had nothing to add.

The Committee adjourned at 6.05pm to consider its decision

The Committee reconvened at 6.20pm

The Chairman announced that in reaching its decision, the Licensing and Control Committee 'B' gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder and the Protection of Children from harm.

Resolved: that the following be imposed as enforceable conditions of licence as recommended by the applicant and respondent as a result of mediation:

- i) The premises licence should be suspended for a period of 3 weeks.
- ii) Mr Hassan El Samar should be removed as DPS.
- iii) A "Challenge 25" policy will be introduced and operated at the store whereby any person attempting to buy alcohol or other age restricted products who appears to be under 25 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premise.
- iv) All staff members engaged, or to be engaged, in selling alcohol or other restricted products on the premise shall receive full training pertinent to the Licensing Act and other appropriate legislation, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.

- v) Induction training must be completed, and fully documented, prior to the sale of alcohol and other age restricted products by the staff member and refresher training thereafter at intervals of no less than six months. Written records of all restricted sales training and refresher training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police, Licensing Authority and Trading Standards officers upon request.
- vi) The store shall at all times maintain and operate a sales refusals book and an incident log which may be electronically recorded, and shall be kept on the premise to record all refusals and incidents of crime or disorder. The DPS shall review the logs regularly. These records will be made available to Sussex Police, Licensing Authority and Trading Standards officers upon request.
- vii) A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling alcohol or any other age restricted product. In the absence of this facility a sticker on the front of the till reminding all staff that ID must be asked for if customers are buying age related products.
- viii) Details of the legal entity are to be clearly displayed in a prominent position and kept up to date.
- ix) All food products sold within the store, including all alcohol, must have full labelling as required by the relevant legislation.

Reasons for decision:

the Committee was satisfied that the conditions agreed between Trading Standards and Mr Hassan El Samad are sufficient to promote the Licensing objectives.

The Committee does not agree that the suspension should be deferred until the new year and it should take place immediately, bearing in mind this is the second review of the premises and the suspension is in place as a deterrent.

The meeting adjourned at 6.23pm to await the arrival of the respondent's representative

The meeting reconvened at 6.29pm

LCCB/13-14/22 Application for a Review of a Premises Licence of South Farm Food and wine, 145 South Farm Road

Before the Committee was a report by the Executive Head of Housing, Health and Community Safety, copies of which had been distributed to all Members and a copy of which is attached to the signed copy of these minutes as item 5.

An application for the review of the premises licence of 'South Farm Food and Wine' had been received from West Sussex Trading Standards. The application was submitted on the grounds that the licence holder was undermining the licencing objectives 'the protection of children from harm' and the 'prevention of crime and disorder' following the selling tobacco to a person under 18 years of age and issues / offences under the Food Labelling Regulations. Mediation had taken place between the parties and it was proposed that agreed conditions be imposed on the premises licence as appropriate measures to promote the licensing objectives.

The Senior Licensing Officer introduced the report to the Committee. The applicants (West Sussex Trading Standards) confirmed that the Senior Licensing Officer's introduction was an accurate representation of the facts.

The applicant had nothing to add to the report.

The respondent's representative informed Members that the individual responsible for the underage sale had been sacked and that the respondent had taken steps to change the running of the business.

The Committee adjourned at 6.35pm to consider its decision

The Committee reconvened at 6.40pm

The Chairman announced that in reaching its decision, the Licensing and Control Committee 'B' gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder and the Protection of Children from harm.

Resolved: that the following be imposed as enforceable conditions of licence as recommended by the applicant and respondent as a result of mediation:

- i) All staff members engaged, or to be engaged, in selling alcohol or other restricted products on the premise shall receive full training pertinent to the Licensing Act and other appropriate legislation, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
- ii) Induction training must be completed, and fully documented, prior to the sale of alcohol and other age restricted products by the staff member and refresher training thereafter at intervals of no less than six months. Written records of all restricted sales training and refresher training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police, Licensing Authority and Trading Standards officers upon request.
- iii) The store shall at all times maintain and operate a sales refusals book and an incident log which may be electronically recorded, and shall be kept on the premise to record all refusals and incidents of crime or disorder. These records will be made available to Sussex Police, Licensing Authority and Trading Standards officers upon request.
- iv) A "Challenge 25" policy will be introduced and operated at the store whereby any person attempting to buy alcohol or other age restricted products who appears to be under 25 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premise.
- v) A suitable till prompt is introduced when available to remind staff to check and confirm that the customer is over 18 before selling alcohol or any other age restricted product. In the absence of this facility a sticker on the front of the till reminding all staff that ID must be asked for if customers are buying age related products.

- vi) The serving counter is to be kept so that members of staff have a clear view of the shop and customers.

Reasons for Decision: that the Committee are satisfied that the conditions agreed between Trading Standards and Mr Ketheeswaran are sufficient to promote the licensing objectives.

The meeting was declared closed by the Chairman at 6.40pm, it having commenced at 6.00pm.

Chairman