

MINUTES OF LICENSING PANEL MEETING - TUESDAY, 9 DECEMBER 2014

Present:

Councillors

Evans

Hunter

Ryan

In Attendance:

Sharon Davies, Head of Licensing Service

Bernadette Jarvis, Democratic Services Senior Adviser

1 APPOINTMENT OF CHAIRMAN

Resolved: That Councillor Hunter be appointed Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

There were no declarations of interest on this occasion.

3 PROCEDURE FOR THE MEETING

The Chairman explained the procedure for the meeting and that a time limit of twenty minutes to speak had been allocated for all parties.

4 APPLICATION FOR A PREMISES LICENCE- TESCO 257-259 LYTHAM ROAD

The Panel considered an application from Tesco Stores Ltd to issue a Premises Licence at Tesco Express, 257/259 Lytham Road, Blackpool. The Panel noted that the premises was currently licensed for the sale of alcohol for consumption off the premises and that the licence had been converted from a Magistrates' Court licence in 2005 and that only the mandatory conditions were endorsed on the licence.

The Panel was informed that in an attempt to address the concerns of the Police, the applicant had agreed to amend the hours of sale of alcohol to 8am to 11pm on Monday to Sunday and had further agreed to the following additional conditions being attached to the licence if granted:

- The Licence holder shall train all staff to support the Challenge 25 proof of age policy.
 - Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the examples of acceptable:
 - UK photo driving licence
 - Passport
 - Proof of Age Standards Scheme Card
 - Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum

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- Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.
- CCTV will be installed internally at the premises and will comply with the following:
 - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. The system will incorporate a camera covering each of the entrance doors, main alcohol display area and checkouts
 - Will be capable of providing an image which is regarded as identification standard.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours the premises are open to the public.
 - VCR tapes or digital recording shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
 - The Licence Holder or Designated Premises Supervisor shall take immediate steps to rectify any fault if the CCTV is to be inoperative. A log of the action taken to rectify the fault shall be maintained and provided to Police or Licensing Authority on request.
 - Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- An incident book will be maintained, in which shall be recorded :
 - All incidents of crime and disorder
 - A record of any person refused admission or asked to leave the premises
 - Details of occasions upon which the Police are called to the premises
 - The use or discovery of drugs
 - That book shall be available for inspection by a Police Officer or authorised person
- The premises will not stock/sell any beer, cider and lager with an abv above 5.5%, unless permission provided by the Police
- The premises will not sell any single cans of beer, lager, cider with a unit size of 440ml or less, unless permission provided by the Police

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The Panel was also informed that Public Health had withdrawn its representation following the applicant's agreement to the above conditions being attached to the licence if granted. Mr Hunter, member of the Public, had also withdrawn his representation for the same reason.

Mr Whur, Solicitor representing the applicant, and Ms Waldermar, Designated Premises Supervisor, presented the application.

The Panel considered representations from Mr Williams, Solicitor representing Lancashire Constabulary and from PC Reynolds and Sue Slater, Lancashire Constabulary.

Mr Marshall, Licensing Health and Safety Enforcement Officer reported that the main concern of the Licensing Authority was the request for the licensing hours to be from 6am and as this had been addressed by the applicant agreeing to operating hours from 8am, the Licensing Authority had no further objections to the granting of the licence subject to the agreed additional conditions being attached to the licence.

The Panel noted that the only remaining representation from the Police related to the recording of refused sales to suspected under age/drunken persons which the applicant had not agreed to include in the additional conditions. The Panel noted the view of the Police that the recording of this information was necessary to promote the licensing objectives, particularly as the premises was located within the cumulative impact area for off licence saturation.

The Panel also noted that the premises had been operating under its existing licence for in excess of ten years and during that time there had been no evidence to show that there had been any incidents of underage sales or any other issues brought to the Police's attention. It also noted the applicant's view that the imposition of the condition to maintain a register of refused sales would be disproportionate and not based on evidence and unnecessary to promote the licensing conditions. It also noted the applicant's willingness to voluntarily accept the other conditions.

The Panel carefully considered all the representations made in writing and verbally at the meeting and had regard to the Council's Statement of Licensing Policy and the Secretary of State's Guidance.

The Panel was satisfied that the maintaining of a register to monitor and record incidents of refused sales to suspected under age / drunken persons and the reasons and circumstances for the refusal was appropriate and proportionate for the promotion of the licensing objectives of the prevention of crime and disorder and the protection of children from harm, particularly as the premises was located within the cumulative impact area for off licence saturation.

Resolved: That the application be granted subject to the above additional conditions agreed by all parties being attached to the licence and that it was necessary and proportionate to impose the following additional condition to the licence to ensure the promotion of the licensing objectives of the prevention of crime and disorder and the protection of children from harm:

'A register to monitor and record incidents of refused sales to suspected under age /

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drunken persons and the reasons and circumstances for the refusal'

Chairman

(The meeting ended 11.36 am)

Any queries regarding these minutes, please contact:
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