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LICENSING SUB-COMMITTEE

17 JULY 2014

(14.30 - 15.45)

PRESENT Councillors Councillor David Simpson (in the Chair),
Councillor Tobin Byers, Councillor Philip Jones and
Councillor Jill West

Also present: Guy Bishop, Legal Officer, Elizabeth Macdonald,
Licensing Officer, Hilary Gullen, Democratic Services Officer.

Applicant: Ian Murrell, Head of Environmental Health, Trading
Standards & Licensing on behalf of the Trading Standards
Service

For the licence holder: Gill Sherratt of Licensing Matters (Agent)
and Mr N Patel

1. NISHILE NEWSAGENTS, 39 HIGH STREET, COLLIERS WOOD, SW19 2JE (Agenda Item)

The Chair outlined the procedures to be followed in this review of the premises
licence.

Ian Murrell, Head of Environmental Health, speaking on behalf of the applicant -
Trading Standards - presented the case regarding the sale of a 170l bottle of WKD
and 10 cigarettes to a 14 year old girl on 14th October 2013, as described in the
hearing papers.

The Agent presented the response for the licence holder and explained that Mr N
Patel was taking his responsibilities very seriously and described that measures had
been taken since the incident, such as staff training, and the use of an incident
register. The employee who made the sale, Mr C Patel, was devastated by his
mistake and had received a formal warning. Mr C Patel is a valued member of staff
and remains employed at the premises, where there is a total of 3 staff.

Mr N Patel had contacted the Agent promptly following the incident, and procedures
were checked.

The Agent explained the training package which comprised of two manuals. The
agent is accredited, but the package is not. The Agent is a level two trainer. Training
has been completed with two staff. Mr C Patel has completed the course and passed
a test purchase. The incident had happened nine months ago and the Agent hoped
the Licensing Sub-Committee would appreciate the improvements and changes that
had taken place since.

The Agent expressed concern about the impact some of the proposed conditions would have on a small business with regard to staffing and issues with training new staff effectively in time to keep the business running.

The legal officer offered advice from sections 11.20 to 11.28 of the S182 guidance.

In response to Licensing Sub-Committee members' questions, Mr N Patel confirmed he is based at the premises for work and that he will always ask for identification in the future. The Agent also explained the cost implication in getting accreditation status.

Ian Murrell explained the delay in hearing the review was due to a previous Review being withdrawn. Ian Murrell also confirmed that Mr C Patel had completed training from a Trading Institute package, given by an LBM officer. This training is not accredited.

Ian Murrell identified that a fundamental question in the Premises Licence holders' own training questionnaire, on page 10 of their submitted bundle had been incorrectly answered, yet marked correct. The Agent felt it was unreasonable as this was one inaccuracy, out of the whole pack, to be raised.

The Licensing Sub-Committee went into closed session at 3.15pm

The legal officer gave Licensing Sub-Committee members advice regarding the Home Office Guidance and proportionality.

The hearing resumed at 3.35pm and the chair gave the Licensing Sub-Committee's decision and reasons as follows:

Conditions:

Age verification policy of 25 years old. A "Challenge 25" proof of age policy shall be operated at the premises at all times. All checkout/till/serving staff shall check proof of age documents of all persons who appear to be under 25 years old. This check shall be made by examining either a passport, photographic driving licence, a PASS approved proof of age card or other appropriate card with a photo and holographic mark. No other form of identification shall be accepted.

Publicity materials informing customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including a "Challenge 25" sign of at least A5 size on the customer side at each till/point of sale. "Challenge 25" signs of at least A4 size are to be displayed on the premises including on the entrance door so as to be both visible to customers entering the premises.

The Premises Licence Holder shall operate and maintain an up-to-date Refusals Register for the Sale of Alcohol, indicating the date, time and reason for refusal as well as sufficient details to enable the sales person to be identified. The Register shall be checked and signed by the DPS on a weekly basis.

The up-to-date Refusals Register for the Sale of Alcohol register shall be kept on the licensed premises and shall be made available for inspection by Authorised Officers and Police officers on request.

The DPS or any personal licence holder employed at the premises shall make and keep a record, at the shop premises, of all persons authorised to sell alcohol. This record shall contain all training records for those persons and a copy of the authorisation (which must be given by the DPS) to sell. These records shall be available for inspection by Police officers and Authorised Officers on request.

All staff at the premises are to undertake a recognised and documented training course with an accredited provider covering the law relating to under age sales within one month of the review. Non-accredited refresher training shall take place on 3 monthly intervals. Such non-accredited refresher training shall be recorded and signed off by the DPS, Premises Licence holder or the Personal Licence holder.

Recommendations

A second personal licence holder should be trained and on the premises.
A till prompt should be utilised.

Reasons

- a) The Licensing Sub-Committee had concerns about the quality of the internal training.
- b) The Licensing Sub-Committee had regard to the Home Office Guidance (noting paragraphs 11.20, 11.26, 11.27, and especially 11.28).
- c) The Licensing Sub-Committee took note of the 9 month delay before this hearing from the single test purchase failure on 14 October 2013 [17.25] (the need to recommence the Review) and the subsequent successful test purchase.

The meeting closed at 3.45pm

2. NOTICE OF DETERMINATION - NISHILE NEWSAGENT (Agenda Item 4)