

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD
WEDNESDAY 28th MAY 2008 AT 9:30 AM
TOWN HALL, HIGH STREET, MAIDSTONE

AGENDA ITEM 1

Application for the review of a Premises Licence under the Licensing Act 2003 for The Stores, The Square, Lenham, Maidstone, Kent, ME17 2PQ

PRESENT:

Committee Members: Councillor FitzGerald (Chairman)
Councillor Sellar
Councillor Mrs Gibson

Council Officers: Jayne Bolas – Legal Advisor
Lorraine Neale – Senior Licensing Officer

Applicant: Kent County Council Trading Standards –
represented by Mr Richard Strawson – Area Manager

Licence Holder: Mr Bruce Graveson

DISCLOSURES BY MEMBERS AND OFFICERS

There were none.

DISCLOSURES OF LOBBYING

There were none.

EXEMPT ITEMS

RESOLVED: That the items on the Agenda be taken in public as proposed.

Opening Remarks

The Chairman opened the meeting by asking all parties to introduce themselves. He then read out to all present the administrative matters as set out in the Licensing Act Sub Committee Hearing – Order of Proceedings document. All participants confirmed that they had copies of and understood the procedure. All Committee Members confirmed that they had read the papers beforehand.

The legal advisor then outlined the application and representations regarding the application.

The Hearing

i. The Applicant for Review

Mr Strawson explained that Trading Standards key responsibility was the protection of children from harm and the report that they had submitted showed that sale of alcohol took place to a 15 year old boy. The test purchase operation came about directly from Police Intelligence. After visiting Mr Graveson Trading Standards believed that conditions set out in their review application should be attached to the licence. He introduced Esther Flinders as the Case Officer and invited the Sub-Committee to question her if they wished.

Councillor Mrs Gibson asked if it was common practice for the police to alert the Trading Standards department.

Applicant answered yes, when under age sales took place they were contacted to investigate the incident.

Mr Graveson stated that he was unaware that the police shared that intelligence and felt that it would be a good idea if they communicated with the licence holder before taking that course of action.

Mr Strawson answered that that was a matter for the police but that the purpose of Trading Standards initial visit was to advise the licence holder on best practice.

Mr Graveson advised the Sub-Committee of a letter he had submitted to the Senior Licensing Officer indicating that he regretted what happened, that he will retire in the near future and his intention to sell the business. He had no other comment to make.

Councillor Sellar made reference to a visit to the premises by Gillian Powell of Trading Standards on 18.1.08, she suggested to Mr Graveson staff training and the keeping of a refusals book. On a subsequent visit on 14.2.08 these things were still not in operation and asked why?

Mr Graveson answered that he had a shortage of staff and pressure of work.

Councillor Sellar asked if the suggestions had now been implemented.

Mr Graveson answered that all staff are now aware of the book.

Councillor Gibson asked if as a shop owner Mr Graveson got specific advice about signage and trading practices.

Mr Graveson answered that he had all the statutory display documents on the premises but required a newer set.

Closing Speeches

i. The Applicant for Review

Mr Strawson explained that the report and supporting documents gave a picture of

the problems found at this store. The suggested conditions are not exhaustive and not meant to be burdensome. He then read out the conditions:-

1. The Challenge 21 Policy should be publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy.
2. A refusals register should be introduced and completed every time a refusal is made to someone because they appear under 21 in a format agreed by Kent Trading Standards.
3. The refusals book should be checked and reviewed weekly by Mr Graveson and a signature applied to the book to verify this.
4. There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods.
5. Forms of identification which are to be acceptable as "proof of age" must be limited to a passport, driving licence (with photo) or "Pass approved" proof of age card.

ii. The Licence Holder

Mr Graveson asked if he sold the premises as a business would the conditions move on with the licence.

Mrs Bolas explained yes they would.

Councillor Sellar explained that they were 5 points to be implemented and not restrictions, that they were designed to enhance trading.

Mr Strawson explained that as part of best practice to avoid underage sales all premise licence holders are advised on the refusals book and staff training and supervision.

Councillor Sellar asked if the business were to be sold would these conditions be restrictive.

Mr Strawson answered that he did not consider them to be over burdensome and that they were relevant to the size of a small business.

End of Hearing

The Chairman brought the Hearing to a close and asked for Jayne Bolas to remain with the Sub-Committee Members during their deliberations.

The Decision

The Sub Committee came to the decision as shown in the Notice of Determination

at Appendix A.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION OF REVIEW HEARING

Application Ref No: MAID0185/LPRM/1079

Applicant for Review: Kent County Council Trading Standards.
(Mr Richard Strawson – Area Manager)

Regarding the premises : The Stores, The Square, Lenham, Maidstone,
ME17 2PQ

Licence Holder: Mr Bruce Graveson

Date of hearing: 28/05/08

Date of determination: 28/05/08

Committee Members: [Chairman]:
Councillor: Fitzgerald
Councillor: Mrs Gibson
Councillor: Sellar

Legal Advisor in attendance at hearing: Mrs Bolas

Senior Licensing Officer in attendance at hearing: Mrs Neale

This is an application for:

Review

of a:

Premises Licence Club Premises Certificate

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant for Review:

- Name: Kent County Council Trading Standards
- Legal or other representative: Mr R. Strawson

Licence Holder:

- Name: Mr B. Graveson

Representations considered in the absence of a party to the hearing:

...None.....

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 51 – 53 inclusive which relate to the review of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

- Chapter 11 which relates to reviews;
- Chapter 10 which relates to conditions attached to licences;
- Annex D part 5 that relates to potential conditions:

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

- Chapter 19 which relates to the 4 licensing objectives;
- Chapter 23 which relates to the protection of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and/or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

None

C. Determination:

The Committee has decided, having regard to the application and the relevant representations, taken the following step(s) members consider necessary for the promotion of the licensing objectives:

take no action in respect of the premises licence/club premises certificate;

issue a warning to the premises in the following words:

Take one or more of the following steps under s. 52 (4) (premises) or 88(4) (clubs) of the Act:

To modify the conditions of the licence. (Note: conditions may be modified for a set period of time up to 3 months if considered appropriate). If so, state the modified conditions and if it is time limited:

Permanently.

To add conditions as shown on page 10 of the agenda – requested by Kent County Council Trading Standards;–

1. The Challenge 21 Policy should be publicised in store with use of sufficient notices for all potential purchasers to be aware of the policy.
 6. A refusals register should be introduced and completed every time a refusal is made to someone because they appear under 21 in a format agreed by Kent Trading Standards.
 7. The refusals book should be checked and reviewed weekly by Mr Graveson and a signature applied to the book to verify this.
 8. There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods.
 9. Forms of identification which are to be acceptable as “proof of age” must be limited to a passport, driving licence (with photo) or “Pass approved” proof of age card.
- The Sub Committee amended condition 3 to state the Designated Premises Supervisor rather than Mr Graveson.

To exclude a licensable activity from the scope of the licence (or qualifying club activity from the certificate). (Note: activities can be excluded from the licence for a period of time up to 3 months if considered appropriate. Activities can also be excluded from certain parts of the premises if appropriate). If so, state the activities excluded and if the exclusion is time limited or limited to certain parts of the premises:

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- To remove the Designated Premises Supervisor
- To suspend the licence or certificate for a period not exceeding 3 months
- To revoke the licence or withdraw the club premises certificate.

Reasons for determination:

Prevention of Crime and Disorder
Reasons (state in full):

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Public Safety
Reasons (state in full):

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Prevention of nuisance
Reasons (state in full):

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Protection of children from harm
Reasons (state in full):

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To secure that the premises promote the licensing objective of protection of children from harm and to prevent future incidents of underage sales of alcohol.

PRINT NAME (CHAIRMAN): Councillor Fitzgerald

Signed [Chairman]: A copy of the original document is held on file

Date:28/05/08
