

**Minutes of the Licensing Sub-Committee
of the Test Valley Borough Council**
held in Council Chamber, Duttons Road, Romsey
on Wednesday 2 May 2012 at 9.30 a.m.

Attendance:

Councillor A Hope	(P)	Councillor N Long	(P)
Councillor I Richards	(P)		

Also in attendance:

Councillor N Anderdon
Sgt I Marshman, Hampshire Constabulary
Ms G Fice, Hampshire Constabulary
Mr G Atkinson, Counsel representing Co-operative Food Group Ltd
Mr C Jones, Senior Risk Manager Co-operative Food Group Ltd
Mr R Oade, Regional Risk Manager Co-operative Food Group Ltd
Mr I Davies Area Operations Manager Co-operative Food Group Ltd
Ms D Walsh, Team Manager, Nursling Co-operative Food Group Ltd
Mr S Lawford, Hampshire Trading Standards

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Minutes

Resolved:

That the minutes of the meeting held on 27 September 2011 be confirmed and signed as a correct record.

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**Application for Review of a Premises Licence –
Co-op, 1-2 Nursling Street, Nursling SO16 0XH**

The Sub-Committee was requested to consider an application for a review of a Premises Licence for the Co-op 1-2 Nursling Street, Nursling. The application was requested in accordance with the provisions of Section 51 of the Licensing Act 2003.

The Licensing Manager informed the Sub-Committee that the application to review the licence had been made by the Hampshire Constabulary. The review related to all four licensing objectives

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

In calling for a Review of the licence, the Police had advised that there had been two failed under age test purchase operations in July and November 2011, and further that there were a significant number of incidents, mainly theft and anti-social behaviour, linked to the premises, which had led to the Review.

Sergeant Marshman presented the case on behalf of the Police. He informed the Sub-Committee that agreement had been reached with the Co-op on a number of conditions to be added to the licence with a view to addressing the problems associated with the premises. However, the Police had in addition called for a condition requiring the employment of door supervisors on Friday and Saturday evenings between 5 – 11 pm, and there was still a difference of view over this.

Sergeant Marshman gave details of the 48 incidents recorded at the premises from 4 April 2011 to the end of that year. He informed the Sub Committee that the premises had introduced a pilot scheme in January 2012 to use door supervisors and this had resulted in only one incident being recorded since that time.

Counsel (Mr. Atkinson) representing the Co-op outlined the 3 areas of concern raised by the Police as:

- Failure of Test purchases
- Theft and anti social behaviour
- CCTV Availability

Mr. Atkinson accepted that his clients had been at fault over the failed test purchases and the inadequate CCTV. However, he contended that the Co-op was a responsible retailer and that appropriate measures had been agreed to address the failure of test purchases and the CCTV availability. Regarding the proposal to use door staff on Friday and Saturday evenings he suggested that it was disproportionate to impose a condition based on the evidence presented. He drew the Sub-Committee's attention to the fact that a significant number of the incidents itemised by the Police could not be related to the licensable activity of selling alcohol, and moreover that, of the eight incidents which had occurred on Friday/Saturday evenings, only three were alcohol related, of which one had been a test purchase.

The Sub Committee noted the concerns of the Hampshire Trading Standards regarding the failure of two test purchases.

The Sub-Committee was given the opportunity to ask questions of all the parties. The Sub-Committee then adjourned to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its decision upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

Decision:

The Sub Committee welcomed the wide measure of agreement which had been reached between the Co-op and the Police such that there remained only one point of difference between them. That difference concerned whether or not there should be a condition requiring the presence of door staff on Friday and Saturday evenings.

The Sub Committee had very carefully considered that matter, but on balance, had taken the view that such a condition could not be supported on the evidence, therefore would not be proportionate.

Nevertheless, the Sub Committee hoped that the Co-op would continue to work closely with the Police and, should the need arise as a result of continuing difficulties at the premises, the Co-op would be prepared to install SIA accredited door staff on request by the Police.

Resolved:

That the premises licence be modified by the addition of the following conditions:

1. CCTV

The premises shall have cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity.

All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

The system must have measures to prevent recordings being tampered with, i.e. password protected. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies to police on request when investigating allegations of offences or criminal activity.

Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

The CCTV system to be checked on a weekly basis to show that the system is functioning correctly and that data is being securely retained. An electronic or paper based record of this check to be retained and available for inspection.

In the event of technical failure of the CCTV equipment the Premises Licence holder / DPS MUST report the failure to the Southampton Police Licensing Unit (Western.licensing@hampshire.pnn.police.uk) within 24 hours.

2. Incident book

A record of incidents occurring within the last 3 months will be maintained at the premises and be available on request to the police. Any incidents that include physical altercation or disorder, physical ejection, injury, will be recorded. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

The incident records will be checked on a weekly basis by the duty manager and these checks recorded (this can be electronic or written).

3. Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

Challenge 25 Posters will be displayed in prominent positions at the premises

4. Training

All staff that sell or authorise the sale of alcohol will be trained to BIIAB Level 1 - Award in Responsible Alcohol Retailing within 9 months of commencing employment with the company.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training. All staff will receive refresher training twice per year at least 5 months apart. Training records will be made available for inspection by Hampshire Constabulary and the licensing Authority within 48 hours after being requested. Training records will be kept for a minimum period of two years.

5. Promotion of Alcohol

Alcohol not to be displayed for sale within 2 metres in the front entrance of the store unless situated behind the till area which is staffed.

(Meeting terminated at 12.07 p.m.)