

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Upper Guildhall, High Street, Andover
on Thursday 24 August 2023 at 9.30 am

Attendance:

Councillor J Budzynski
Councillor D Cattell

Councillor C Donnelly

Also in attendance
Councillor I Andersen

1

Appointment of Chairman

Councillor Donnelly proposed and Councillor Cattell seconded a motion to propose Councillor Budzynski as Chairman for the duration of the meeting. Upon being put to the vote the motion was carried.

Resolved:

That Councillor Budzynski be appointed as Chairman for the duration of the meeting.

2

Apologies

There were no apologies for absence.

3

Declarations of Interest

There were no declarations of interest.

4

Exclusion of the Public

Councillor Donnelly proposed and Councillor Cattell seconded a motion to exclude the public. Upon being put to the vote the motion was carried.

Resolved:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the consideration of the report on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended,

indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

**Review of a Premises Licence
Paragraphs 1, 2 & 7**

It was considered that the report contained exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It was further considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information because the information related to a named individual, could reveal the identity of an individual and related to action taken in connection with the prevention, investigation, or prosecution of crime.

5 Application for the Review of a Premises Licence

The Licensing Manager presented the report to consider a review of the Premises Licence in respect of the Premier Stores a.k.a. Charlton Village Convenience Store, 29a Charlton, Andover, SP10 4AJ.

The application was by Hampshire and Isle of Wight Constabulary requesting a review of the existing Premises Licence on the basis that the Police considered the licensing objectives of the prevention of crime and disorder and the protection of children from harm were being breached and there was no realistic prospect of this being prevented all the while the Licence remained extant.

The applicant was invited to address the Sub-Committee. Members were given the opportunity to ask questions of the applicant.

The Licence holder was invited to address the Sub-Committee. Members were given the opportunity to ask questions.

All parties were given the opportunity to ask questions of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

On its return, the Sub Committee were minded to accept the conditions negotiated between the police and the licence holder in their entirety and propose an additional condition in that Disclosure and Barring Service (DBS) checks are carried out on all staff working in the shop (both paid and unpaid) and comprehensive records are kept of those checks. The Sub Committee also felt that due to the seriousness of the offences committed they proposed a one month suspension of the licence which will take effect from 1 October 2023.

Resolved:

Due to the seriousness of the offences committed the Sub-Committee proposed a one month suspension of the licence which will take effect from 1 October 2023 and that the following conditions are met;

1. Age Verification

- **The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with an age restricted product from the premises, shall produce acceptable means of identification and age confirmation.**
- **Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID.**
- **If the person seeking an age restricted product is unable to produce acceptable means of identification, no sale or supply of the age restricted product shall be made to or for that person.**
- **All refusals and challenges shall be recorded in the refusals log.**

2. Closed-circuit Television (CCTV)

- **A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.**
- **The system shall be able to cope with all levels of illumination.**
- **The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.**
- **The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.**
- **The system clock shall be checked regularly for accuracy taking account of Greenwich Mean Time (GMT) and British Summer (BST).**
- **Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 8 frames per second).**
- **The images produced shall be date and time stamped.**
- **A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.**
- **An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.**

- It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times the premises is open a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment
- Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.
- Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police or responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the General Data Protection Regulation (GDPR)
- In the event of a technical failure of the CCTV equipment, the Premises Licence Holder or Designated Premises Supervisor (DPS) shall notify, via email the police licensing department responsible for the area within 24 hours of the fault and provide details of when the fault shall be repaired.
- The Premises Licence Holder shall ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document regarding installation of CCTV is provided at the premises.

3. Prevention of illegal working

- The Premises Licence Holder shall conduct right to work checks on all persons employed, whether paid or unpaid, at the licensed premises.
- A copy of any document checked as part of a right to work check shall be retained at the premises.
- These documents shall be made immediately available for inspection by Hampshire Constabulary, Home Office Immigration Enforcement Officers, Test Valley Licensing Authority or any other responsible authority upon request.
- Documents that demonstrate an entitlement to work are set out by The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

4. Refusals

- **A record shall be kept of all refusals including refusals to sell age restricted products. The Premises Licence Holder shall ensure that the record is checked, signed and dated on a weekly basis by the premises manager/manageress.**
- **The record shall be kept and maintained at the premises and shall be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.**
- **The record of refusals shall be retained for 12 months.**

5. Staff Training

- **All staff, whether paid or unpaid, shall be trained regarding appropriate precautions to prevent the sale of age restricted products to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records shall be kept of such training which shall be signed and dated by the member of staff who has received that training.**
- **All staff shall receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.**
- **In addition to their training a written test related to the training given shall be conducted before the staff member is permitted to sell or authorise age restricted products. The test shall consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate shall be retrained and re-tested. Anyone not attaining the pass rate shall not be permitted to sell or authorise the sale of age restricted products until the pass rate is attained. There shall be a minimum of two sets of questions to be used in the training which shall be rotated upon each subsequent six month training session.**
- **All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records shall be kept for a minimum period of two years. Training records shall be kept on the licensed premises to which they relate to.**

6. DBS Checks

- **DBS checks are carried out on all staff working in the shop (both paid and unpaid) and comprehensive records are kept of those checks**

(The meeting terminated at 10.26 am)