

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 16 January 2015 at 10.01 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: B Gardner
M A Russell

Officers:

Legal Adviser: Senior Solicitor
Licensing Officer: Licensing Team Leader
Licensing Enforcement Officer
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2015/001).

53 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

54 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

55 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

56 LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF LONDIS, 12 MARKET SQUARE, DOVER CT16 1NX

The Sub-Committee considered an application for the review of a premises licence under Section 51 of the Licensing Act 2003 as requested by Kent Police as a Responsible Authority. The grounds for review were that the following licensing objective was not being promoted:

(a) Prevention of Crime and Disorder

On the basis of the representations of the applicant for the review, the other persons and the premises licence holders, the Sub-Committee found the following facts to be established.

- (i) On 12 June 2014, the police issued a penalty notice enforcement ticket to Mr Varatharajan Kanthappu in respect of an offence of serving alcohol to someone whilst already intoxicated. Evidence of this offence was caught on the store CCTV. The member of staff concerned left the employment of the store 2-3 months after the incident.

- (ii) On 5 August 2014, CCTV at the store showed that a member of staff had served alcohol at 05.46, which was outside of the hours licensed for the sale of alcohol. The police licensing officer issued an enforcement letter in respect of this incident.
- (iii) On 17 November 2014, there was a further incident where CCTV showed that a member of staff had served alcohol at 05.51, which was outside of the hours licensed for the sale of alcohol.
- (iv) On 18 November 2014, there was yet another incident where CCTV showed that a member of staff had served alcohol at 05.57, which was outside of the hours licensed for the sale of alcohol.
- (v) On each occasion it was the same member of staff who served alcohol outside the licensable hours.
- (vi) The member of staff concerned was only given a written warning regarding his actions after the third incident.

In reaching its finding the Sub-Committee took into account the following:

- (a) The Dover District Council Licensing Policy
- (b) The Licensing Act 2003, Sections 52 and the guidance issued under s.182 relating to review hearings.

RESOLVED: Taking into account the above facts, the Sub-Committee were very concerned about the irresponsible way that the premises licence holders had been managing the premises and in light of that the Sub-Committee decided that the following measures were appropriate for the promotion of the licensing objectives:

- (a) To suspend the licence for a period of one month.
- (b) That in accordance with the Notice of Determination (NOD/2015/001) the following conditions will be ADDED to the premises licence:
 - (i) The designated Premises Supervisor (DPS) or a personal licence holder always to be on the shop floor when alcohol is to be sold.
 - (ii) CCTV shall be capable of storing 28 days of footage on the hard drive.
 - (iii) CCTV records to be made available to any police or local authority enforcement officer on request.
 - (iv) All staff to be given appropriate training and a training record kept.
 - (v) A refusal register to be completed daily and to include 'no refusals' when appropriate.

- (vi) That the hours for the sale of alcohol be reduced to 09.00 to 22.00 each day.

The meeting ended at 11.46 am.