

**Costcutter Saffron Walden
Licensing Committee, item 3**

Committee:	Licensing	Agenda Item
Date:	27 January 2009	3
Title:	Costcutter 41-45 High Street, Saffron Walden	
Author:	Murray Hardy (01799) 510598	Item for decision

Summary

- 1 This report sets out an application for a review of the premises licence in respect of the Costcutter Store, 41 – 45 High Street, Saffron Walden. The application is being made by the Chief Constable of Essex.
- 2 The Licensing Act 2003 places an obligation on a Licensing Authority to promote the objectives contained within the Act. The objectives are listed below:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3 An application for a review can be made by a responsible authority or interested party.
- 4 In this instance, the review is being sought by the Police on the grounds that relate to the licensing objectives that deal with the prevention of crime and disorder and the protection of children from harm.
- 5 On 4th November 2005, a premises licence was granted to the Costcutter Store following an application to convert their existing Justices Off Licence in accordance with the Licensing Act 2003. This allows the sale of alcohol by retail for consumption off the premises only provided that the sale is made or authorised by a person who holds a personal licence.
- 6 On the 8th July 2008 Derek Lee, a Trading Standards Officer, visited the premises leaving guidance notes and reminding the store of their responsibilities regarding the sale of alcohol to under-age children.
- 7 On 29 October 2008, a test purchase for the sale of alcohol by retail was supervised by Essex County Council Trading Standards Officers in conjunction with Essex Police at these premises resulting in a positive sale being made. The officers then returned to the store identifying themselves to a sales assistant Mr Khalid Raja, giving reasons for their

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visit resulting in the Police issuing an £80 Fixed Penalty Ticket in respect of the sale of alcohol to a person under 18 years of age.

- 8 It is on this basis that the Chief Constable is seeking a review of the premises licence.
- 9 In accordance with the Licensing Act 2003, the Chief Constable has served copies of this application on all of the responsible authorities and on the premises licence holders. As a result of his action the Children's Safeguarding Service from Essex County Council have made a representation under the licensing objective that relates to the protection of children from harm. They seek that a condition as listed below be inserted on the Premises Licence should it continue as they believe that it may well meet the licensing objective relating to the protection of children from harm. The Premises Licence holder has agreed to the imposition of the condition onto the licence.
 - (a) The Challenge 25 scheme has been adopted to ensure that alcohol will not be sold on the premises to those under the age of 18 years. Only approved proof of age identification will be accepted, such as a passport, photo driving licence or a pass accredited card.
- 10 Essex Police have also discussed the imposition of new conditions with the Premises Licence holder which are set out in background papers as the minimum desired outcome. The Premises Licence holder is agreeable to the imposition of those conditions onto the licence should it continue.
- 11 Upon receipt of this application, the Licensing Authority advertised this fact on its website and on its public notice board between 22 December and 18 January 2009. In addition the author of this report arranged for a notice to be displayed on the premises regarding this review which was displayed in a prominent position so that it could be seen by members of the public.
- 12 The decision that the Committee can make in respect of these applications is to:
 - Modify the conditions of the licence
 - Suspend the licence for a period not exceeding 3 months
 - Revoke the licence
 - Remove the designated premises supervisor
- 13 When determining an application, then due regard should be given to the Council's policy regarding licensing and to the guidance given by the Secretary of State.

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- 14 If the Committee in their decision wishes to impose conditions, the only condition that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representatives received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application is determined
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to represent the Authority at Court.

Background papers:

- Application for a review from the Chief Constable of Essex Police
- Representation from the Children's Safeguarding Service
- Copy of Premises Licence
- Location of Premises
- Plan of Premises
- Witness Statement Peter Coates
- Witness Statement Lynsey Yarnell
- Witness Statement Gina Bennett
- Trading Standards Guidance Notes
- Draft Conditions