

One Stop Stores – High Street Great Dunmow

Licensing Committee, item 4

Committee:	Licensing	Agenda Item
Date:	27 January 2009	4
Title:	One Stop Stores – High Street Great Dunmow	
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 One Stop Stores 58-62 High Street, Great Dunmow. 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 18 November 2005, a premises licence was granted to the One Stop Stores 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 16th May 2007 Julie Peckston, 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 the shift manager, Peter Copping, giving reasons for their

One Stop Stores – High Street Great Dunmow

Licensing Committee, item 4

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 Condition (i) as listed below is inserted should the Premises Licence be continued as they believe that it may well meet the licensing objective relating to the protection of children from harm.
- 10 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.
- 11 The Licensing Authority has received notification from Essex Police following a meeting with the Premises licence holder of the One-Stop that they would be willing for the following conditions to be incorporated onto their licence
 - (a) A digital CCTV system incorporating recording will operate throughout the whole of each period the premises are open.
 - (b) The system will include coverage of all public entrances and exits from the premises, the outside frontage of the premises and any other area agreed with the police.
 - (c) The system will provide for recording of all cameras simultaneously and recordings will be made for the whole of each period of trading.
 - (d) The recordings are to be kept for a minimum of 31 days or longer if requested by police or council officers. All recordings must be made available to police or council offices upon request.
 - (e) A qualified user of CCTV system is to be at the premises at all times
 - (f) There are a minimum of 2 staff at all times on the shop floor, one of whom (the Supervisor) holds a personal licence or has undertaken and passed the BII level 1 award in responsible alcohol retailing or equivalent.
 - (g) All refusals of sales of alcohol or other age restricted products are to be recorded in a register.

One Stop Stores – High Street Great Dunmow

Licensing Committee, item 4

- (h) Reasonable and adequate staff training to be carried out and properly documented in relation to:
 - (i) Use of CCTV system;
 - (ii) Dealing with incidents and prevention of crime and disorder
 - (iii) Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc)
 - (i) 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.
 - (j) Training records, incident logs, together with the refusal register to be kept for at least 12 months and made available to police and council officers on request (incident book/refusal register may be one of the same)
 - (k) The licence holder will regularly train its staff in the implementation of the Challenge 25 policy and monitor compliance within the store.
- 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.
- 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:

One Stop Stores – High Street Great Dunmow

Licensing Committee, item 4

- 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 John Stratton
- Witness Statement Lynsey Yarnell
- Witness Statement Lucy Catharine Smith
- Trading Standards Guidance Notes
- Email from One-Stop confirming acceptance of conditions