

**Committee:** Licensing  
**Date:** 11 August 2009  
**Title:** One Stop Stores - Elsenham  
**Author:** Murray Hardy (01799) 510598

**Agenda Item**

**2**

Item for  
decision

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### Summary

- 1 This report sets out an application for a review of the premises licence in respect of the One Stop Stores, 4 Ambrose Corner, Elsenham. 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 One Stop Stores following an application to convert their existing Justices Off-Licence in accordance with the Licensing Act 2003. This allows for 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 The conditions imposed on the licence are listed below:
  - (a) No supply of alcohol is to be made at a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) No supply of alcohol at a time when the designated premise supervisor does not hold a personal licence or his personal licence is suspended.
  - (c) No alcohol shall be sold in an open container.

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- 7 On 21 January 2009, a test purchase for the sale of alcohol by retail was supervised by an Essex County Council Trading Standards Officer in conjunction with Essex Police at these premises resulting in a positive sale being made. Police Constable Jeggo then entered the store and spoke with Charlotte Moon, giving reasons for the visit resulting in the Officer issuing an £80 Fixed Penalty Ticket in respect of the sale of alcohol to a person under 18 years of age.
- 8 It was on that basis that the Chief Constable sought a review of the Premises Licence.
- 9 On 22 April 2009 on application for a review of the premises licence was heard before the Licensing Committee which resulted in the conditions of the licence being modified which were deemed necessary to promote the licensing objectives that relate to the prevention of crime and disorder and the protection of children from harm.
- 10 The conditions imposed following that review are listed below
  - (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 officers upon request.
  - (e) Two persons will be present on the premise from 6.00 pm until close.
  - (f) All refusals of sales of alcohol or other age restricted products are to be recorded in a register.
  - (g) 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)
  - (h) No staff will make any sales of alcohol to the public until they have received reasonable and adequate training.
  - (i) 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 and the same).

- (j) 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.
- 11 On 20 June 2009 a further test purchase for the sale of alcohol by retail was supervised by a Essex County Council Trading Standards Officer in conjunction with Essex Police at these premises resulting in a positive sale being made.
- 12 Police Community Support Officer, Sharon Cooper, then entered the shop and spoke with Laura Hutchinson the designated premises supervisor. The facts of the positive sale were relayed to her resulting in a £80 Fixed Penalty Ticket being issued in respect of selling alcohol by retail to a person under the age of 18 years. The sale was conducted by a member of staff at the premises who was not the designated premises supervisor.
- 13 It is on this basis that the Chief Constable is now seeking a second review of the current premises licence.
- 14 In accordance with the Licensing Act 2003, the Chief Constable has served copies of his application on all of the responsibility authorities and on the premises licence holders.
- 15 As a result of his action the Childrens 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 the Challenge 25 condition be amended to read Challenge 30.
- 16 Upon receipt of this application, the Licensing Authority advertised this review on its website and on its public notice board between 1 July and 28 July 2009. In addition the author of this report arranged for a notice to be displayed on the premises regarding the review which was displayed in a prominent position so that it could be seen by members of the public.
- 17 Representations have been received from an interested party based on the licensing objectives that relate to crime and disorder and the protection of children from harm. It is suggested that the sale of alcohol to children in Elsenham will exacerbate the already known problem of rowdy teenagers in the village and the ease with which children can obtain alcohol from these premises.
- 18 The Chief Constable is seeking a suspension of the Premises Licence and this is outlined in his minimum desired outcome documentation which is attached as a background paper.
- 19 The decision that the Committee can make in respect of this application is to:

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- Modify the conditions of the licence
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence
  - Remove the designated premises supervisor
  - Exclude a licensable activity from the scope of the licence
- 20 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.
- 21 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 representations 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
- Copy of premises licence
- Location of premises
- Plan of premises
- Witness Statement Michelle Walsh
- Fixed penalty notice issued by Police Community Support Officer Cooper
- Chronology of Events
- Minimum desired outcome
- Representation from Childrens' Safeguarding Service
- Representation from M D Pratt