

**Minutes of the meeting of Licensing sub-committee held at
Online meeting only on Friday 4 September 2020 at 10.30 am**

Present: Councillor Alan Seldon (chairperson)
Councillors: Paul Andrews and Terry James

Officers: Licensing technical officer, legal adviser to the sub-committee and principal trading standards officer

81. APOLOGIES FOR ABSENCE

No apologies for absence were received.

82. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

83. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**84. REVIEW OF A PREMISES LICENCE IN RESPECT OF: OVAL WINES AND SPIRITS,
14 THE OVAL, HEREFORD. HR2 7HG CALLED BY WEST MERCIA POLICE -
LICENSING ACT 2003**

Members of the licensing sub-committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda, the background papers and the supplement published on 1 September 2020.

The technical licensing officer presented the report.

The sub-committee heard from West Mercia Police who highlighted:

- A crime had been committed using a fraudulent card which had been captured on CCTV and the CCTV had been viewed by West Mercia Police.
- There had been no attempt to ask for identification from the individual and the person in question was of an age approaching 18 but at the time was not yet 18. This engaged the licensing objective of protecting children from harm.
- West Mercia Police had attended the premises with the licensing authority to launch the review. When at the premises, it was noted that there was one Challenge 25 poster visible and there needed to be more posters visible particularly at the entrance to the premises.
- West Mercia Police had been contacted by the agent for the premises licence holder and visited the premises again on 29 July 2020. There was now evidence of a refusals register and the police were satisfied that appropriate training had taken place.

- There had been one incident of the sale of alcohol to an underage person and given the measures which had now been put in place, the police felt that the issues raised by the review had now been addressed.

The sub-committee heard from Trading Standards who highlighted:

- That they had been aware of the review and based on the evidence provided by the police had supported the review.
- There had been 2 allegations in October 2019 and on 2 December 2019 in relation to the sale of alcohol and tobacco to an underage person. These allegations had prompted an advisory visit by trading standards on 4 December
- Trading standards were disappointed to see that there had been a confirmed sale of alcohol to an underage person.
- Trading standards understood that measures had now been taken to resolve the issues raised by the review and were now satisfied that the licensing objectives were being met.

The sub-committee then heard from the agents acting on behalf of the premises licence holder who highlighted the following:

- This incident related to alcohol sold to a person under the age of 18 who had presented a stolen card.
- It was a mandatory condition on the licence that operators must age verify for alcohol sales. It was stated that the person did not look under 18 and the operator had reason to believe that he was over 18 as they had previously supplied a passport showing a date of birth in 2001. The premises had checked the ID so often that they felt that they did not need to as they knew who he was. Operator had been defrauded and this made them a victim of fraud.
- Section 147 of the Licensing Act 2003 was referenced about knowingly selling alcohol to under 18s and as the operator had reason to believe the person was an adult it was maintained that no offence had taken place.
- Section 147a of the Licensing Act 2003 was also referenced as it related to the persistent selling of alcohol to under 18s and the evidence appeared to show this was an isolated incident.
- The statutory 182 guidance was referenced in relation to the submission that the review had been incorrectly bought by the police as it was an isolated incident and there was no evidence of persistent sales.
- It was also maintained that the sanction being sought was disproportionate.
- The premises licence holder had only taken over the shop in February 2020 so the intelligence relating to 2019 was not relevant.
- Training with staff had taken place on 13 July 2020. The training provided face to face exceeded the online training.
- Additional Challenge 25 posters were now visible in the premises.
- A meeting had taken place with the police on 29 July 2020 to go through the training records and policies in place.

There were no queries from members of the sub-committee.

The committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's statement of licensing policy.

DECISION

The sub committee's decision following a review of premises licence was to take no further action.

REASONS

The sub committee had taken into account the information contained within the agenda pack, supplemental pack and the information provided by all parties present. As the review had been launched by West Mercia Police and under the Licensing Act 2003 of s52, there was no provision for a withdrawal of the review.

It was noted that the Challenge 25 condition should be enforced at all times, familiarity was not an excuse not to do so. It was noted that the premises were now on the radar of trading standards. However, the prompt action by the premises licence holder when the issues were brought to their attention were noted. The actions and training undertaken should now mean that the four licensing objectives, in particular the prevention of harm to children objective, were now being promoted.

The meeting ended at 11.15 am

Chairperson