

**HEREFORDSHIRE COUNCIL**
**REGULATORY COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)**

<b>PREMISES</b>	McColls
<b>PREMISES LICENCE HOLDER</b>	Martin McColl Ltd
<b>APPLICANT'S NAME</b>	Herefordshire Council Trading Standards
<b>APPLICATION TYPE</b>	Review of Premises Licence
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor BA Durkin Councillor Brig P Jones CBE
<b>DATE OF MEETING</b>	3 April 2012 (adjourned from 13 December 2011)

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from David Hough, the Principal Trading Standards Officer, together with David Crank, the premises licence holder's legal advisor.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith\* upon the licence:-

- A personal licence holder must be on the premises at all times when alcohol is sold.
- A personal licence holder must be involved in the sale of alcohol. Each and every sale must also be witnessed at the time by another member of staff. That member of staff must be trained to BIIAB Level 1. Both the personal licence holder and the other member of staff, making the sale, must sign the till receipt at the time prior to the alcohol being handed over.
- Evidence shall be kept on site of the personal Licence and the BIIAB Qualification of the sellers and shall be made immediately available to an authorised officer (as defined by Section 13 Licensing Act 2003) and an authorised trading standards officer.
- The premises licence holder must conduct monthly Serve Legal Test Purchases. Records of the visit will remain on the premises and shall be made available to an authorised officer (as defined by Section 13 Licensing Act 2001) or an authorised trading standards officer upon request. The record shall show the product attempt to be purchased, the name of the server, the date and time of attempted sale.
- The premises shall operate a Challenge 30 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as

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defined by Section 13 of the Licensing Act 2003) or an authorised trading standards officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

- All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council trading standards within one month of commencing employment at the premises. (Where there are existing staff this training shall be completed within one month of this date (13 December 2011). Such training shall be bespoke to McColl's, The Oval, Hereford. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

### REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, with particular attention being given to paragraph 11.22, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them.

The Members made their decision in order to promote two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm.

### APPEAL INFORMATION

Under Schedule 5 Paragraph 8, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

*\* Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or*
- (b) if the decision is appealed against, until the appeal is disposed of.*