

# West Wiltshire District Council

## Licensing Sub-Committee Hearing

for the Application for a Review of Premises Licence

for One Stop, 26-28 Imber Road, Warminster, BA12 9DB.

**Held on:** Tuesday 22 July 2008

**Held in:** The Civic Hall, St Stephens Place, Trowbridge, BA14 8AH

**Present:** Cllrs Brian Mudge – Sub-Chair, Trevor Carbin and Geoffrey Carr

Ms Rachel Lyne Solicitor - One Stop Stores (Applicants)

Mr Aaron Steadmans - One Stop Stores (Applicants)

Mr Michael Cooke Legal Compliance Manager - One Stop Stores (Applicants)

Ms Maria Jennings Retail Area Manager - One Stop Stores (Applicants)

Mrs Susan Skinner DPS & Manager - One Stop Stores Imber Road (Applicants)

Inspector Douglas – Wiltshire Police

Ms Jacqui Gallimore – Licensing Officer Wiltshire Police

Mrs Yvonne Bennet – Trading Standards Officer

Ms Emma Carroll – Trading Standards Officer

Thomas Hutchinson – Trading Standards Officer

**Officers:** Maggie Jones - Policy & Licensing Officer  
Ann Higgins - Lawyer  
Kevin Fielding - Democratic Support Officer

The Chairman opened the meeting and welcomed all those present

### 1. Declarations of Interest

There were no declarations of interest.

### 2. Hearing Procedure

The Chairman guided all those present through the Hearing Procedure and confirmation was given that the Procedure was understood.

### 3. Application for Determination

The Chairman reported that an application for a Review of a premises licence under the Licensing Act 2003 in respect of One Stop, 26-28 Imber Road, Warminster, BA12 9DB had been received.

The meeting was conducted in accordance with the Hearing Procedure.

The Policy and Licensing Officer presented the Committee report, which gave a summary of the application and the consultation undertaken by the Applicant. It was noted that representations had been received from the following interested parties:

Wiltshire Police  
Wiltshire Trading Standards

The Interested Parties put the case.

The applicant, Ms Lyne put the case.

The Councillors and all parties present were given opportunities to ask any questions throughout the proceedings.

All parties were given the opportunity to sum up.

The meeting adjourned to allow the Councillors retire to deliberate the application. The Lawyer accompanied them to answer any questions on licensing law.

The meeting reconvened and the Chairman read out the decision.

## **RESOLVED**

As per the attached Decision.

(10.30am – 12.35pm – including brief adjournment)

These minutes were prepared by  
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## **Licensing Act 2003**

**Application for a Review of the Premises Licence for  
One Stop, 26 – 28, Imber Road, Warminster BA12 9DB  
Applicant: Wiltshire County Council Trading Standards Service with the support of  
Wiltshire Police**

That following a public hearing on 22 July 2008, to hear the above application, the Licensing Sub-Committee ('the Committee') considered all of the submissions made to it at the hearing, the written representations and the options open to it by virtue of S52 (4) of the Licensing Act 2003 and resolved that steps should be taken to address the representations from both the Applicant and Wiltshire Police.

The primary grounds for the review given by the Wiltshire County Council Trading Standards Service were:

1. The prevention of crime and disorder

The premises is contributing to the level of disorder in the vicinity. This opinion was based on the following:

- (i) Wiltshire Police have received numerous justified complaints of disorder as a result of drunken youths in possession of alcohol outside and in the vicinity of the One Stop Shop.
- (ii) Wiltshire Police had specific community intelligence identifying One Stop as being the source of alcohol obtained by problematic youths.
- (iii) There is fear and concern among local residents relating to the number of frequently intoxicated youths congregating outside the One Stop shop.

## 2. The protection of children from harm

Adequate measures to prevent the sale of alcohol to individuals under the age of 18 are not in place. This opinion was based on the following: (i) Alcohol was sold to a 17 year old girl on 21 December 2007.

(ii) A test purchase attempt by a 16 year old Trading Standards volunteer resulted in a sale of alcohol being made on 22 February 2008.

(iii) Shop assistants are young, unsupported by managers and unable to challenge aggressive youths who ask for alcohol even though they may be under 18 years of age.

(iv) Shop assistants have demonstrated that they do not take the legal requirement, not to sell alcohol to individuals under 18 years of age, seriously.

(v) Prior to the two underage sales, general advice and information had been provided by Trading Standards and verbal advice had been given by Wiltshire Police Officers.

The Committee noted that the applicant had requested that the Premises Licence be revoked.

The Committee considered the following:

1. Section 51 of the Licensing Act 2003 which confers the powers of the Licensing Authority to deal with the application
2. It's obligation to promote the four licensing objectives
3. the Existence of other statutory provisions such as the Environmental Protection Act 1990; the Anti-Social Behaviour Act 2003 and the Crime and Disorder Act 1998
4. The relevant sections of the Council's Statement of Licensing Policy and
5. Statutory Guidance under Section 182 of the Licensing Act 2003
6. All written representations to the Licensing Authority and information submitted by the Premises Licence holder.

The Committee considered that it must carry out its functions with a view to promoting the relevant licensing objectives set out in Section 4 (2) of the 2003 Act. These objectives are the prevention of crime and disorder and the protection of children from harm.

### **Evidence**

The Committee carefully considered the evidence of the Applicant, supported by evidence and information from the Police, in relation to the relevant licensing objectives.

Details of a number of incidents requiring police attendance in the close vicinity of the premises were provided and the circumstances of these were scrutinised by the Committee.

The Committee also took careful account of the submissions made on behalf of the Premises Licence holder which were appreciated and helpful to the Committee.

The Committee noted that an apology was tendered on behalf of the Premises Licence holder in respect of the events which are outlined above. Also noted was the fact that the Premises Licence Holder acknowledged that there were issues with the running of the premises in particular in relation to supervision.

The Applicant advised the Committee that it and the other parties had undertaken informal mediation and had agreed a series of conditions which all parties felt would address the representations made.

The Committee considered these conditions and throughout the hearing questions were asked by Members of the Committee of all parties and all parties were given the opportunity to make submissions and to put questions, through the Chair, to the other parties.

After due deliberation the Committee concluded that given the fact that conditions had now been agreed and, once implemented, there should not be sufficient need to justify the revocation of this licence. In making this determination the Committee also took into account its authority to impose additional conditions on the licence.

### **Summary of Decision**

The Committee was satisfied that on the balance of probability that in all of the circumstances that the following steps should be taken in order to mitigate any adverse impact on the relative licensing objectives:

The Conditions of the Premises Licence to be modified by adding the agreed conditions as follows:

1. A Personal Licence Holder or shift manager (holding a Personal Licence) will be on duty in the premises throughout the period when the licensable activity of selling alcohol is taking place.
2. A Minimum of 3 members of staff will be operating within the store each Friday, Saturday and Sunday from 17.00 hours until close of trade, with 2 members of staff dedicated to the sale of goods.
3. The Premises Licence holder will adopt a 'Think 25' policy (or any similar policy designed to ensure that staff are aware and vigilant in relation to the risk of under age sales), train its staff in the implementation of it and monitor compliance within the store.
4. The tills in use at the premises shall have a working system that alerts staff to the need to verify the age of a prospective purchaser whenever an alcohol product is presented for purchase.
5. All occasions when proof of age is required, as well as refusals to sell alcohol, are to be recorded in a register.
6. The only identification that may be accepted as proof of age will be a form incorporating the 'PASS' hologram, a photographic driving licence or a passport.

7. A record of all incidents classed as anti social behaviour and/or crime in the immediate vicinity or in the premises will be kept for a period of 12 months from the date of notification of this decision, by the store for completion by the Personal Licence holder or shift manager on duty. This record will be made available for inspection by Police Officers, Police Community Support Officers, Trading Standards Officers and Local Authority Licensing Officers. This record will be checked by a member of One Stop Ltd's area or regional management team on a monthly basis. If the Licensing Authority and Wiltshire Police are satisfied with the content of these records then this condition shall cease to take effect from the date the Licensing Authority and Wiltshire Police notify the Premises Licence holder in writing.

**Condition Attached at the Hearing**

1. CCTV records shall be supplied to the Licensing Authority and Wiltshire Police on request.

In addition, for all of the reasons cited above, the Committee considered that the Premises Licence:

Should be suspended for a period of 14 days inclusive in accordance with the provisions of S52 (11) of the Licensing Act 2003.