

Decision of the Keighley and Shipley Licensing Panel held on Wednesday 17 December 2008

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DECISION:

1. APPLICATION FOR A REVIEW OF A PREMISES LICENCE Windhill & Wrose
FOR TOMMY'S MINI MARKET, 206-210 LEEDS ROAD, SHIPLEY

Resolved -

That having considered all valid representations made by the parties to the hearing, all valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel finds as follows:

1. That the premises licence be suspended for a period of 28 days.

Reason: In the light of persistent incidents outlined by West Trading Standards of sales of alcohol directly or by proxy to underage youths at the premises; including evidence of the Licensee's failure as both premises licensee and as designated premises supervisor to properly supervise the premises in order to prevent breaches of licensing and other trading regulations, and to ensure compliance with licence conditions; the Panel found that suspension of the licence was justified - prevention of crime and disorder and protection of children from harm objectives.

2. That on resumption of the licence a CCTV system with internal and external coverage shall have been installed, and confirmation in writing obtained by the Licensee that it is to a specification that satisfies the requirements of the Licensing Authority in consultation with West Yorkshire Police, and thereafter used at all times the premises remain open to the public for licensable activities and maintained in good working order thereafter. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



Reason: In order to ensure that the Licensee takes all steps in his control to monitor the use of the premises by children and underage teenagers and to ensure that the existing CCTV system operates effectively in deterring/monitoring unruly behaviour and access to alcohol by underage customers – prevention of crime and disorder and protection of children from harm.

3. That an appropriate proof of age policy, incorporating the principles of the “Think 21” Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new-style driving licence displaying their photograph.

Reason: To assist in ensuring that underage people do not gain access to alcohol – prevention of crime and disorder and protection of children from harm objectives.

4. That all staff employed in the premises must be adequately trained in their responsibility for enforcing the proof of age policy, all relevant conditions of licence, and all relevant licensing laws.

Reason: To assist in ensuring that underage people do not gain access to alcohol – prevention of crime and disorder and protection of children from harm objectives.

5. That the Licensee be formally warned as to future conduct with regard to ensuring compliance at all times in the future with relevant licensing laws and conditions or other relevant legislation; particularly in relation to selling alcohol to juveniles or allowing or causing other unlawful activities to take place at the store. The Licensee is warned that if further breaches are substantiated and are subject to review, the Panel will give serious consideration to revocation of the licence.

Reason: It is the responsibility of holders of premises licences to ensure compliance at all times of licence conditions and relevant licensing legislation in the interests of furthering the licence objectives.

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