

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 4th August, 2020 as a Virtual Meeting.

PRESENT

Councillors M Benson, M Goldsmith and L Smetham

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Licensing Officer, Cheshire Police,
Operational Lawyer, Cheshire Police,
Licensing Practitioner Representative for the Premises License Holder,
Premises License Holder/Designated Premises Supervisor of A-Z
Convenience,
A Translator for the Premise License Holder/Designated Premises Supervisor,
Councillor Liz Braithwaite, Ward Councillor and Objector

25 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 TO REVIEW A PREMISES LICENCE FOLLOWING A CLOSURE ORDER - A - Z CONVENIENCE, 39 SUNDERLAND STREET, MACCLESFIELD SK11 6JL

The Sub-Committee considered a Closure Order and all relevant representations in respect of a premises licence review as triggered by Section 167 of the Licensing Act 2003 for the licence granted to Mr. Nikson Khan the premises know as A-Z Convenience, 39 Sunderland Street, Macclesfield, SK11 6JL. The report outlined the evidence presented by the parties in relation to the review. The order was issued after agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 15th July 2020.

The following persons attending the hearing and made representations:

- the Premises Licence Holder/Designated Premises Supervisor;

- a translator for the Premises Licence Holder/Designated Premises Supervisor;
- a licensing practitioner representative for the Premise License Holder;
- operational lawyer from Cheshire Police,
- licensing Officer from Cheshire Police; and
- Councillor Liz Braithwaite.

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- the Closure Order made by Crewe Magistrates' Court on 15 July 2020;
- the Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy; and
- all the evidence, including the oral representations made at the meeting and the written representations of interested parties;

The Sub-Committee determined that it was appropriate and proportionate for the promotion of the licensing objectives engaged by the review, namely the prevention of crime and disorder and protection of children from harm, to **MODIFY** the Premises Licence and that the following course of action had been agreed:

RESOLVED-

That the Premises Licence be modified with conditions attached as agreed between the Premises License Holder and Cheshire Constabulary as follows (save for one amendment to specify that training reviews at the Premises will take place every 4 months):

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises- An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.

This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,

- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

Protection of Children from Harm

A “Challenge 25” policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority).

Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal, which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol.

A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice.

A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

The designated premises supervisor shall attend and pass a formal training course on avoiding underage sales and provide evidence of attendance if requested.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

Two further conditions will be added to the Premises Licence namely:

- the strength of beers and ciders sold by the Premises shall not exceed 6%;
- the Premises Licence Holder/Designated Premises Supervisor will meet with officers from Cheshire Constabulary and the licensing authority to obtain their confirmation that they are content with measures put in place before the re-opening of the Premises.

The matter was determined at the conclusion of hearing in accordance with Regulation 26(1)(d) Licensing Act 2003 (Hearings) Regulations 2005.

The meeting commenced at 2.00 pm and concluded at 4.04 pm

Councillor Mark Goldsmith (Chairman)