



Minutes

Name of meeting	LICENSING (DETERMINATIONS) SUB COMMITTEE
Date and time	THURSDAY, 12 JANUARY 2012 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, David Williams
Officers Present	Andrea Bull, Julie Martin, Justin Thorne, Kevin Winchcombe

55. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [12 December 2011](#) be confirmed.

56. **Declarations of Interest**

There were no declarations received at this stage.

57. **Report of the Head of Planning and Regulatory Services**

Consideration was given to the report of the Head of Planning and Regulatory Services, providing details of an application for a Variation of a Premises Licence, received in accordance with Section 34 of the Licensing Act 2003.

Details of any proposed additional steps to promote the licensing objectives were set out in the report, circulated with the agenda.

The Sub Committee followed the agreed procedure, which had previously been circulated to all parties prior to the meeting. After hearing the application, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT upon receiving the report of the Licensing section, oral and written evidence from the applicant, interested parties and responsible authorities and having regard to the Guidance issued under Section 34 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2011 – 2014, the applications be determined as detailed below:

Decision Ref

34 (11/12)

Application:

[Application for a Variation of the Premises Licence for Sainsbury's Supermarket, Foxes Road, Newport, Isle of Wight.](#)

Resolution:

THAT the grant for a Variation of the Premises Licence for Sainsbury's Supermarket, Foxes Road, Newport, Isle of Wight be approved, in accordance with the application, subject to those conditions proposed by the applicant within the operating schedule and also subject to the mandatory conditions specified in the Licensing Act 2003, but modified to such an extent as the Sub Committee have considered necessary for the promotion of the four licensing objectives, namely by requiring the following conditions listed below:

Conditions:

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place. The CCTV system is to be to the reasonable satisfaction of Hampshire Constabulary and the Licensing Authority.
2. The system will incorporate a camera covering each of the entrance doors and all areas where alcohol is displayed and will be capable of providing an image which is regarded as identification standard.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means eg CD.DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.

7. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night do so quietly and with consideration so as not to disturb nearby residents.
9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask customers attempting to purchase alcohol, who appear to be under the age of 25 years (or older of the licence holder so elects) to produce (before being sold alcohol) identification bearing their photograph, date of birth and a holographic mark. Posters or other written material to the effect that such a policy is in place shall be displayed prominently with the premises including at the point of sale.
10. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales :
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member. This will include due diligence training, recognising the signs of drunkenness and refusal of sale due to intoxication:
 - Refresher/reinforcement training at intervals of no more than six months.
11. Training records will be available for inspection by a police officer or a local authority officer on request and will be maintained at the premises for a period of 12 months.
12. All cashiers shall be trained to record refusals of sales in alcohol in a refusals register. This register will contain
 - details of the time and date the refusal was made
 - the name of the staff member refusing the sale

- details of the alcohol the person attempted to purchase

This register will be available for inspection by a police officer or local authority officer on request.

13. An incident log/register will be maintained at the premises to record :

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises.

The log/register will be available for inspection by a police officer on request.

14. Except where under the direct supervision of a member of staff, no alcohol shall be displayed for sale at any point closer than 5 metres from a public entrance or exit which is for the use by customers at the material time.

Application is agreed and allows opening at 06:00 hours but not midnight save

15. Between 10 December and 6 January, the store shall be authorised to sell alcohol until midnight.

as volunteered by the applicant.

**Reasons for
Decision:**

The reasons were provided in the report to promote the Licensing objective regarding the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm in particular.

The Sub Committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The Sub Committee considered their decision to be proportionate and necessary for the promotion of the four licensing objectives under the Licensing Act 2003.

All parties were advised that they had a right of appeal to the Magistrates Court if they were dissatisfied with the decision, and that any such appeal had to be made within 21 days from the date of notification.

Details:

As per application.

Public Participants: Mr Robert Botkai (Solicitor on behalf of applicant)
Mrs Alison Abrook (On behalf of Sainsbury's)
Sergeant Mark Voller (Hampshire Constabulary)

CHAIRMAN