

MINUTES OF A MEETING OF THE  
 LICENSING SUB-COMMITTEE HELD IN  
 THE OLD COURTHOUSE, WINDHILL,  
 BISHOP'S STORTFORD (ENTRANCE  
 OPPOSITE CHURCHYARD) ON MONDAY  
 10 OCTOBER 2011, AT 10.00 AM

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PRESENT: Councillor R Beeching (Chairman)  
 Councillors M McMullen and N Wilson.

OFFICERS IN ATTENDANCE:

Monica Bett	- Legal Services Advisor
Lorraine Blackburn	- Committee Secretary
Paul Newman	- Interim Licensing Manager

ALSO IN ATTENDANCE:

Cimen Cuneyt	- ADA Licensing Agency
David Dadds	- Counsel
Mert Eren	- Employee
PC Howell	- Hertfordshire Constabulary
John Ivens	- Hertfordshire Constabulary
Onder Tepe	- DPS
Kumar Topuz	- Premises Licence Holder

14 APPOINTMENT OF CHAIRMAN

Councillor N Wilson proposed and Councillor M McMullen seconded that Councillor R Beeching be appointed Chairman of the Licensing Sub- Committee for the meeting.

RESOLVED – that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman requested that all present turn off their mobile phones.

16 MINUTES

RESOLVED – that the Minutes of the Licensing Sub Committee held on 7 September 2011 be confirmed as a correct record and signed by the Chairman.

17 BISHOP'S FOOD CENTRE, 92 SOUTH STREET, BISHOP'S STORTFORD - POLICE REVIEW

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The Chairman introduced everyone present.

Mr Dadds advised that he had been requested to represent Mr Topuz, the premises licence holder. The Interim Licensing Manager reminded Members of the need to provide proper notification of representation prior to a hearing. In accordance with regulation 7. 1 (d) on the Notice of Hearing, if Mr Dadds had been instructed before Friday, then as a matter of professional courtesy to the Sub Committee, he should have informed the Licensing Service. He pointed out that Mr Dadds had been asked when he received his instructions, and Mr Dadds had refused to confirm that it was not before Friday. In reply, Mr Dadds protested about being questioned on this issue, and stated that he was not in a position, on Friday, to confirm to the Licensing Authority that he would be attending the hearing. Members agreed that Mr Dadds be allowed to represent Mr Topuz.

The Chairman outlined the procedure which would be followed. This was set out in detail in the agenda.

The Interim Licensing Manager summarised the application and the licensing objectives. It was noted that the Police were seeking to revoke the licence.

The Chairman drew attention to the fact that there was a

new Premises Licence Holder in place and that Members should only take into account events which had occurred from 22 June 2010.

Mr Ivens put forward the case for the Police. He stated that the Premises Licence Holder and staff were failing to uphold licensing objectives. He referred to the information supporting the application for a Section 51 review and went through each of the incidents detailed chronologically. Mr Ivens referred to additional information which he had submitted in relation to two incidents in July and August 2011. The Interim Licensing Manager pointed out that Mr Ivens was here in person, and available to be cross examined, and should be allowed to give any first person evidence. Mr Dadds nonetheless sought a short adjournment so that this information could be evaluated and a decision taken as to whether it was considered to be amplification or new evidence. Following a short adjournment Mr Dadds had no objection to Mr Ivens paraphrasing the information relating to the events on 22 July 2011 and 25 August 2011.

Mr Dadds referred to the Police standards in relation to process maps and a graduated response to enforcement. He sought confirmation from Mr Iven's that CCTV evidence had been obtained to support each of the incidents. Mr. Iven's confirmed that it had not.

Mr Dadds confirmed that under age sales of alcohol was something to be taken seriously but that there was insufficient evidence to revoke the licence. He said that the hearing was not to establish innocence or guilt. It was a fact that there had been one conviction for which a fine had been paid. He stated that there was a lack of graduated enforcement by the Police and of the problems of obtaining information held on CCTV. He referred to how the Police should have taken a graduated response in terms of keeping a record of meetings, developing an action plan, and monitoring the situation via monthly meetings and providing a warning letter. He suggested

that there was no evidence to revoke the licence. He referred to the statements which had cited the Bishop's Food Centre as the source of providing alcohol to those under age and said that it was "unlikely" that young people would say who was the actual source. He said that the Police evidence was not adequate.

Mr Dadds suggested a measured approach as a way forward in dealing with the review in terms of the need to have a personal licence holder present when alcohol was being sold, the need to install an ID scanning device within 30 days; the need for all staff to having training to BII level 1 (or equivalent). Mr Ivens suggested that CCTV outside of the premises should be initiated.

At the request of the Chairman, Mr Dadds explained the difference between a Fixed Penalty Charge Notice and a fine.

Mr Dadd's referred to the fact that there were no objections submitted by local residents. The review had been properly advertised.

Mr Iven's reiterated the position of the Police that the licence should be revoked. Mr Dadd's stated that there was no evidence to support a revocation. He referred to the fact that there was only one conviction for one sale. He urged Members to take action which was proportionate and measured in line with guidance under Section 182 (paragraphs 11.8, 11.6 and 11.22) of the Licensing Act. He stated that revoking the licence would not be proportionate or measured.

The Interim Licensing Manager stated that Trading Standards did not immediately advise the licensing section when "failed test sales" had been carried out.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services representative and Committee Secretary to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee which was that, the licence should not be revoked but a number of additional conditions should be imposed as now detailed.

RESOLVED – that the licence not be revoked but the following conditions be imposed:

- (1) there should be a personal licence holder on the premises at all times when the sale of alcohol is taking place;
- (2) an ID scanning device be installed within 30 days;
- (3) CCTV be installed outside the premises within 30 days; and
- (4) all staff receive and achieve BII level 1 (or equivalent) training and must produce evidence to the Licensing Authority.

Members drew attention to the three conditions already in place in relation to the use of the refusal and training registers when appropriate and the need to produce CCTV evidence when requested.

Members also recommended the adoption of adequate signage in relation to sales of alcohol to underage drinkers. The Licensing Officer was requested to contact Trading Standards with a request that he be advised of any Test Cases carried out within the District and be advised of the results of those cases.

The meeting closed at 11.50 am

Chairman .....

Date .....