

DATE OF HEARING	Friday, 5 November 2010
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 059422
LICENSEE	Murco Petroleum Limited
ADDRESS	4 Beaconsfield Road, St Albans, Herts, AL1 3RH

PREMISES DETAILS	Murco Costcutter Express, 218-226 Lincoln Road, Peterborough, PE4 2NE
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LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	

Mr Roy Light – Barrister, St John’s Chambers, Bristol

WITNESSES FOR LICENSEE	Yes	
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Mr A Edwards – Regional Manager, Murco
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THE FOUR LICENSING OBJECTIVES

Prevention of crime and disorder	Public safety
Prevention of public nuisance	Protection of children from harm

LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE

Prevention of crime and disorder	Public safety
	Protection of children from harm

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox, Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Jeremy Philips, Barrister, Legal Representative for the Applicant (that being the Responsible Authority)	Yes	Yes

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee has also considered the national guidance and the council's statement of licensing policy.

FINDINGS OF FACT

The Sub-Committee finds the following facts:

- 1. The Sub-Committee noted that there had been five failed test purchases in 3 years;**
- 2. The Sub-Committee also noted that staff had not been following the operating schedule within the licence and the company's own policies and procedures relating to the sale of alcohol.**

IRRELEVANT REPRESENTATIONS

- 1. There were no irrelevant representations received or considered**

DECISION MADE

**Review of Premises
Licence**

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.

During the Sub-Committee's deliberations we have taken into account the government guidance issued under the Act, the Crime and Disorder Act and our own licensing policy.

Our decision therefore is:

- to suspend the retail selling of alcohol for one month; and
- to amend and add conditions to the operating schedule as follows:
 1. All staff who sell alcohol to be personal licence holders.
 2. 3 monthly alcohol sales refresher training for all staff including Designated Premises Supervisor.
 3. CCTV recording to be operational in the area where alcohol is sold 24 hours a day, and footage to be kept for a minimum of 2 months and made available to Responsible Authorities on request.
 4. Sales register to be fitted with an operational web cam which the Regional and Area Managers can access.
 5. Register of all alcohol sales training to be kept and available for inspection by a Responsible Authority on request.
 6. Sales register age prompt system to be in use for all alcohol related sales.
 7. The Challenge 25 initiative to be implemented.

ADDITIONAL CONDITIONS ATTACHED (*if any*)

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

4. Amended and additional conditions proposed by the Sub-Committee at the hearing held on 5th November 2010.

1. All staff who sell alcohol to be personal licence holders.
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3. CCTV recording to be operational in the area where alcohol is sold 24 hours a day, and footage to be kept for a minimum of 2 months and made available to Responsible Authorities on request.
4. Sales register to be fitted with an operational web cam which the Regional and Area Managers can access.
5. Register of all alcohol sales training to be kept and available for inspection by a Responsible Authority on request.
6. Sales register age prompt system to be in use for all alcohol related sales.
7. The Challenge 25 initiative to be implemented.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances that it is appropriate to review the Premises Licence and to suspend the retail selling of alcohol for one month and to amend and add conditions to the operating schedule.

The Sub-Committee based the decision on the submissions received relating to the failed test purchasing and the respondents admissions of a failure of staff to follow their own policies and procedures with regards to the sale of alcohol.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Children and Licensed Premises: *Section 9 on Page 12 to 14*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

Guidance issued under Section 182 of the Licensing Act 2003

- The licensing objectives: *Section 2 pages 16 to 25*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	
Human Rights Act 1998	How were the following articles considered
Article 1 – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
Article 6 – <i>Everyone is entitled to a fair trial</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
Article 8 – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
DATE OF SUB-COMMITTEE HEARING	5 November 2010

The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices' Chief Executive for the Magistrates' Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.