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NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

24 March 2022

PRESENT: - Councillors P Clark, H Rayner and K Vickers

The meeting was held in Room F01e, Conference Room, Church Square House, Scunthorpe.

- 1834 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor K Vickers be and he was hereby appointed chairman for the meeting.
- 1835 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - There were no declarations of disclosable pecuniary interests, personal or personal and prejudicial interests, or significant contact with applicants, objectors or third parties (lobbying).
- 1836 **LICENSING ACT 2003 - APPLICATION TO GRANT A PREMISES LICENCE AT VIKING MARKET, FRODINGHAM PLAZA, FRODINGHAM ROAD, SCUNTHORPE, DN15 7NH** - The Director: Economy and Environment submitted a report advising members of an application for the grant of a premises licence at Viking Market, Frodingham Plaza, Frodingham Road, Scunthorpe.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from Humberside Police, Humberside Fire and Rescue Service, the Licensing Authority, the council's Trading Standards department, the local North Lincolnshire Council ward councillors and twenty two representations received from local residents.

The Director in his report reminded the sub-committee that the options available to it under the Licensing Act 2003 when considering such applications were:

- To refuse to grant the licence.
- To grant the licence with additional conditions.
- To grant the licence without additional conditions.
- To grant the licence but restrict the licensable activities.
- To grant the licence with restricted times

The applicant's legal representative, The Licensing Authority, the council's Trading Standards department, Humberside Police, a local ward councillor and four local residents addressed the sub-committee and responded to questions.

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Following clarification and the summary of each case, the meeting was adjourned for deliberation by members, with the sub-committee decision communicated to all parties in writing, stating the following decision –

Resolved - The Licensing (Activities) Sub-Committee listened carefully to the representations made by the applicant's legal representative, the Responsible Authorities (Humberside Police, Licensing Authority and Trading Standards) and the interested parties at the hearing. The sub-committee also read the documentation contained within the agenda bundle. After taking into account the statutory guidance issued under s182 of the Licensing Act and the council's Licensing Policy, the sub-committee agreed that the application be granted as applied for, subject to the following conditions being adhered to and incorporated within the premises licence:

- 1) Condition 1 - That the hours for sale of alcohol at the premises be from 08:00 hours in the morning to 23:00 hours in the evening. (Monday to Sunday).
- 2) Condition 2
 - a) CCTV cameras shall be installed to cover all areas not visible to the sales counter;
 - b) A CCTV camera shall be installed to cover each sales point and shall be so positioned so that the purchaser is clearly visible
 - c) A monitor shall be placed in such a position so as to be viewed by staff working in the sales area of the premises
 - d) The CCTV system shall provide continuous recording in colour, providing real time pictures of evidential quality in all lighting conditions, and copies of such recordings shall be retained for a period of not less than twenty-eight (28) days.
 - e) Any system installed shall be capable of producing copies of recordings on site.
 - f) Copies of recordings shall be provided on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority on a DVD/USB at no cost.
 - g) The Designated Premises Supervisor ("DPS") shall be responsible for the operations of the system and shall ensure that it is maintained in working order at all times.
 - h) The Premises Licence Holder shall ensure an appointed member of staff is capable of downloading CCTV footage in a recordable format at all times the premises are operating.
 - i) Records of maintenance of the CCTV system shall be kept by the Premises Licence Holder, the DPS, or responsible person and the system shall be maintained in working order and checked weekly. Records of any maintenance and weekly checks shall be endorsed by signature by the DPS or other responsible named individual, and actions taken must be recorded. The record shall be produced on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority on production of their identification.

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- j) Cameras shall be positioned to view all access to and egress from the premises (including fire exits) and all areas where the sale of alcohol occurs.
 - k) Recordings shall be made of each trading period conducted at the premises and must be correctly time and date marked.
 - l) CCTV camera views shall not be obstructed.
- 3) Conditions 3 - An incident log shall be kept at the premises and made available on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority, which will record the following:
- a) All crimes reported to the premises
 - b) Any complaints received
 - c) Any incidents of disorder
 - d) Any visits by a relevant authority or emergency service
 - e) Any faults in the CCTV system or searching equipment or scanning equipment
- 4) Conditions 4 – A log book shall be kept detailing all refused sales of alcohol. The log book should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log book will be available to be viewed on demand by either an authorised officer of the Local Authority or an officer under the direction and control of the Chief Constable at all times whilst the premises are open.
- 5) Condition 5 – A challenge 25 policy shall be implemented, and a proof of age policy be applied with the accepted means of proof of age being:
- a) Passport
 - b) Photo driving licence
 - c) HM forces ID card
 - d) A recognised valid photo id card bearing the PASS hologram
 - e) Any future accredited and accepted proof of age scheme
- 6) Conditions 6 – Signs shall be displayed stating that the premises operate a Challenge 25 Policy.
- 7) Condition 7 - Staff training shall be given to all staff who may be authorised by the DPS to sell alcohol. Such training shall be documented and recorded in a book or folder kept solely for that purpose. The documented training record shall record the date and names of those trained and the person providing it, and all sign the training record. The frequency of the training shall be once every six (6) months. The training shall cover all aspects of the responsible sale of alcohol (Licensing objectives age verification, how to detect proxy sales, consequences of underage sales, serving to drunks and street drinkers etc) and conflict management. The log book shall be available to be viewed on demand by a person under the direction and control of the Chief Constable or an authorised officer the Local Authority.

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- 8) Condition 8 – all beer, lager and cider displayed for sale in cans shall only be sold in minimum packs of four (4) cans, there will be no sales of individual cans of beer, lager or cider.
- 9) Condition 9 – Alcohol spirits with an ABV (Alcohol by volume) above 20% shall only be displayed, offered or sold in bottles no less than 70cl. These spirits will only be displayed for sale behind the counter or other approved secure display.
- 10) Condition 10 – all alcohol shall be removed from display when the premises is not licensed to make a sale. The removal from display may be through the use of a shutter, screen or other such device.
- 11) Condition 11 – the Premises Licence Holder shall ensure that the area outside of the premises is kept clear of glass and waste and shall carry out regular checks (at least six inspections during the time the premises is open and selling alcohol to the public) of the area outside the premises during the period which the premises is open.
- 12) Condition 12 – the Premises Licence Holder and DPS shall maintain a record of all checks of the areas inspected outside the premises which shall be made available to an authorised officer of the Local Authority or an Officer under the control of the Chief Constable of Humberside Police.
- 13) Condition 13 – a personal licence holder shall be employed and on the premises at all times when alcohol is available for sale.

The aforementioned conditions were attached to the premises licence -

- to protect the amenities of local residents and patrons frequenting the premises.
- to minimise any disturbance to the local residents from patrons frequenting the premises
- to ensure the protection and safety of all patrons and local residents, and
- to adhere to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives.

The sub-committee's paramount consideration is the licensing objectives and deliberated at great length the impact this application would have on the prevention of crime and disorder, public nuisance, public safety and the protection of children from harm within the vicinity of the premises. The sub-committee was acutely aware that the premises is situated in the Cumulative Impact Zone and the implications this application may have on local residents.

Therefore, the sub-committee would like to remind the applicant of his duties as a licence holder in particular the continued requirement to ensure that the

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conditions attached to this licence and the licensing objectives are always adhered to. The applicant should also be aware that their premises licence can be reviewed at any point by any responsible authority or interested parties and may result in them being required to attend a meeting of the Sub-Committee”.

- 1837 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**
There was no urgent business for consideration at the meeting.

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