

Decision Notice

Licensing Act 2003



Decision of the Council's Licensing Acts Panel held on 9 November 2018 regarding a variation to a premises licence for Thames SF Connect, 50 Park Street, Thame, OX9 3HS

Reason for Hearing

To determine the application for a variation for a premises licence for Thames SF Connect, 50 Park Street, Thame, OX9 3HS made under section 18 of the Licensing Act 2003 (the Act).

Decision

The panel¹ hereby grants the application for a variation of a premises licence for Thames SF Connect, 50 Park Street, Thame for the sale of alcohol Monday to Saturday 24 hours a day, the removal of all current non-mandatory conditions and subject to the following conditions:

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
8. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

¹Councillors Pat Dawe (Chairman), David Nimmo Smith and Lorraine Hillier

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 any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
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:
 - a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member, and
 - b) Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

11. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log (whether in written or electronic form). The log will contain:
 - a) Details of the time and date the refusal was made,
 - b) The identity of the staff member refusing the sale, and
 - c) Details of the alcohol the person attempted to purchase.

This log will be available for inspection by a police officer or other authorised officer on request.

12. To display signage at the exit of the premises and at the night time pay point requesting customers leaving the store at night do so quietly and with consideration so as not to disturb nearby residents.

Evidence

The panel considered the licensing officer's report and accompanying documentation and heard a representation from Graham Hunt, representing Thame Town Council, who spoke in objection to the licence.

Parties:

Licensing Officer: Laura Driscoll

Applicant: Robert Botkai, solicitor for the applicant

Representation: Graham Hunt, Thame Town Council

Reasons for the Decision

The panel considered the written and oral evidence of all parties and the relevant provisions of the Act; the Secretary of State's guidance issued under section 182 of the Act; and the council's licensing policy. The panel also considered what would be reasonable and proportionate having regard to the Act and associated regulations and

guidance, the promotion of the licensing objectives, and the Council's licensing policy.

The panel only considered evidence relevant to the licensing regime and to the promotion of the licensing objectives. The panel did not take account of non-regulated activities, any activities not within the control of the premises or those which were not relevant to the licensing objectives. The panel considered the representations made in response to the application. The panel noted the view expressed by the Town Council representative that there was no need for a 24 hour licensed premises in Thame but took into account paragraph 14.19 of the Home Office guidance which states that 'need' (in the sense of commercial demand for another licensed outlet) is not a matter for a licensing authority in discharging its licensing functions.

The panel noted the concerns of objectors regarding public nuisance but were satisfied that no evidence had been presented that the variation would cause public nuisance or anti-social behaviour issues. The panel acknowledged that the applicant was an experienced operator with nearly 200 premises operating with 24 hour licences. The panel considered that the imposition of an extra condition requiring additional signage at the night time pay point requesting customers to leave quietly would be reasonable but was otherwise satisfied that the conditions agreed with Thames Valley Police and conditions consistent with the applicant's operating schedule sufficiently demonstrated how the four licensing objectives would be promoted

Signed by Councillor *Patricia A. Dawe*(Panel Chairman)

Date *2nd January, 2019* .

Informatives

- 1. Any party may appeal against the panel's decision. Any appeal must be to the Magistrates' Court within 21 days of the date of this decision notice. This has to be made in the correct manner, accompanied by the required fee.**
- 2. Responsible authorities, local residents, and ward councillors may request a review of the premises licence if the premises are running licensed activities in such a way as to fail to uphold one of the licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm).**