

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th June, 2008

RECORD OF HEARING

Present: Cllr P J Homewood (Chairman), Cllr Mrs F A English, Cllr Mrs E M Holland and Cllr Miss J L Sergison.

An apology for absence was received from Cllr B D Stone.

PART 1 - PUBLIC

**LA
08/014 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**LA
08/015 REVIEW OF THE PREMISES LICENCE IN RESPECT OF
SHOP N SAVE, 11 LODGE OAK LANE, TONBRIDGE -
05/01298/PREO**

The Panel conducted a review into the premises licence held by Mr B S Deo and Mrs G Deo in respect of Shop N Save 11 Lodge Oak Lane Tonbridge. The opening hours for the premises are 0800 to 2300 hours Monday to Saturday, 1000 to 2230 Sunday, 0800 to 2230 Good Friday and 1200 to 1500 & 1900 to 2230 Christmas Day. Licensable activities authorised by the licence are the sale of alcohol for consumption off the premises on those days.

Notice of the hearing had been given to the licence holder and to the responsible authorities. The notice had also been advertised in a local newspaper. The review had been requested by Kent County Council Trading Standards and no other representations had been received.

The Panel heard from Richard Strawson and Oliver Jewell of Trading Standards and Mr Deo. The application for the review was introduced by Melvyn Wood, Licensing Manager for TMBC.

The Trading Standards Officers reported that on 17 April 2008 they carried out a test purchase of alcohol from the premises using a 16 year old volunteer. The operation followed receipt of a complaint from a member of the public. The sale was made by a member of staff employed at the shop and the licence holders were not on the shop floor at the time of the sale. The responsible authority were seeking conditions be imposed on the licence to promote protection of children.

Mr Deo explained that the member of staff had been left alone for only

a few minutes while he himself was in the stock room. He said that the staff member was a new employee who was nervous and uncertain. Mr Deo had 18 years experience and had not had difficulties previously. He felt the conditions being sought were too onerous for a small business such as his. He told the Panel that he was already doing the things which Trading Standards required. He informed the Panel that the shop was part of the community and that he knew personally 90% of the people who used the shop. He said that sales were regularly refused not just to children who were under age, but also to older individuals whom Mr Deo believed would then supply the alcohol to children under 18.

Both the responsible authority and Mr Deo responded to questions from the Panel.

RESOLVED: That the following conditions be imposed on the premises licence:

1. A Challenge 21 policy will be publicised in store with the use of sufficient notices for all potential purchasers to be aware of the policy and this policy will be adhered to in all circumstances.
2. A refusal book will be kept by all staff and will be checked and reviewed weekly by the Designated Premises Supervisor and the refusal book signed to verify this.
3. There will be a written record kept signed by each member of staff to confirm that they have been trained in relation to sales of age restricted goods and that they have been made fully aware of the Challenge 21 policy and the use of the refusals book.

**LA
08/016**

RECORD OF MEETING

RESOLVED: That the Chairman of the Panel, after consultation with the other members of the Panel, be authorised to sign the Record of Hearing outside the meeting.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
08/017**

EXCLUSION OF PRESS AND PUBLIC

No items were considered in private.

The meeting ended at 1245 hours
having commenced at 1135 hours