

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 8 June 2010

PRESENT: Councillor Caswell (Chair), Councillors Reeve and Duncan
M Kassam Solicitor
P Bayliss Licensing Officer

Applicant for the Review

PC Dave Bryan Licensing Officer, Northants Police
Sgt Mark Worthington Northants Police

For the Representor

Claudia Ifrim Premises Licence Holder

1. TRANSYLVANIA, 22 WELLINGBOROUGH ROAD

The Licensing Officer outlined the purpose of the hearing explaining that an application had been received from Northamptonshire Police on 12th April 2010 with evidence to support the failure of the licensing objective for the Protection of Children from Harm. The Licensing Officer then explained the procedure of the hearing.

Applicant for the Review

PC Dave Bryan, a Licensing Officer for Northamptonshire Police, explained the background of the review. The premises had been the subject of three failed Test Purchase Operations on the 18th December 2008, 12th December 2009 and 25th March 2010. The first sale was by a non-personal licence holder and was dealt with by a fixed penalty notice of £80.00. The second and third were by the Designated Premises Supervisor and Premises Licence Holder, Claudia Ifrim. Claudia Ifrim had been interviewed by the police and awaited Court proceedings for selling alcohol to a person under 18 years old for the 25th March incident.

Northamptonshire Police were aware that the links between anti-social behaviour and underage sales of alcohol were well documented and to ensure alcohol was sold and consumed responsibly was a key priority. Extra funding had been received from the Government to tackle the problem and in these circumstances suspension should be considered as a deterrent

Questions to the Applicant

In response to a question, PC Bryan confirmed that the shop was within Abington Square of the Town Centre where people generally congregated and was therefore unable to confirm if they would be associated with the shop. They had received intelligence which had led them to test the premises. It was a convenience store which catered for the Eastern European community.

Representation by the Respondent

Claudia Ifrim, the Designated Premises Supervisor and Premises Licence Holder explained that she had tests on 12th December, 18th December, 25th March and 7th May. She had failed the 12th December and 25th March tests but had passed the others. She confirmed that she was guilty of selling alcohol to underaged people and had only realised afterwards.

In response to a question, Claudia Ifrim explained on the evening of the last incident her friend had been helping her stack the fridges and the customer had come into the shop at 9.30pm and she was distracted. She did not realise and did not check for identification. She did not want to sell alcohol but the shop was not successful without it.

Questions to the Respondent

Claudia Ifrim explained that she was very busy in the shop and in the past had helped the Police catch offenders using fake identification and shop lifters. She was the only person who worked in the shop but sometimes her daughter and husband helped out. She decided to open a shop because she had worked in two different factories and got made redundant both times. In response to a question from the Solicitor, Claudia Ifrim confirmed for the earlier offence she was fined £100 at the Magistrates Court plus Court charges. She had not yet received a Court date for the second incident.

Summing up by the Applicant

PC Dave Bryan confirmed that he had known Claudia Ifrim for a couple of years but she was a Personal Licence Holder, completed the course and was aware that she should not sell alcohol to people under the age of 18. During the interviews she was advised about what she needed to do to stop the sales from happening and it continued. She had been given guidance and they had to deal with the issue of irresponsible alcohol sales.

Summing up by the Respondent

Claudia Ifrim explained that she was sorry for the incidences but had kept a Refusal of Sales register and wore a badge which promoted the 'Challenge 21' scheme. In one week she had received two test purchasers and believed that the other shops did not have any.

PC Dave Bryan confirmed that they did target other office licences as well and they acted on information and intelligence received.

The Determination

There being no further questions, the Sub-Committee adjourned at 17.50 to make a decision and the Solicitor was called for advice. The Register for Refusal of Sales was also taken for reference.

The Sub-Committee reconvened at 18.00.

Having regard to the Licensing Act 2003 and the guidance there under; the council's Licensing policy statement and the representations made, the following decision was reached:

It had been decided unanimously that on a balance of probability the Committee was satisfied that the current operation of the premises was not promoting the licensing objective

- 4 The Protection of children from Harm.

Therefore the Committee considered that it was necessary and proportionate to:-

1. Suspend the licensable activity of the sale by retail of alcohol for consumption off the premises for a period of one month.

The meeting concluded at 18.02.

