

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
TUESDAY 17 DECEMBER 2013 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:
Councillors

Stretton, Mrs. P.Z. (Chairman)
Dudson, A. (Vice-Chairman)

Anslow, C.	Grice, Mrs. D.
Bernard, J.D.	Snape, P.A. (substitute for Sutherland, M.)
Bottomer, B.	Todd, Mrs. D.M.
Fisher, P.A.	

32. Apologies

Apologies for absence were received from Councillors F.W.C. Allen and M. Sutherland.

Councillor P.A. Snape was in attendance as Councillor M. Sutherland's nominated substitute.

33. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No further Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

34. Minutes

RESOLVED:

That the Minutes of the meeting of the Licensing and Public Protection Committee held on 12 November 2013, and the Minutes of the meetings of the Licensing Sub-Committees held on 11, 15 and 18 November 2013 be approved as a correct record and signed.

35. Exclusion of the Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

36. Application for a Private Hire Vehicle Proprietors Licence on an Exceptional Basis

Members were advised in advance of the meeting that this item had been withdrawn from the Agenda.

37. Consultation Paper from the Department for Culture, Media and Sport – Consultation on a Proposal to use a Legislative Reform Order to make changes to Entertainment Licensing

The Senior Licensing Officer circulated to Members in advance of the meeting a consultation document from the Department for Culture Media and Sport (DCMS) regarding proposed changes to the law in respect of entertainment licensing.

Members considered the consultation and provided comments to the Senior Licensing Officer, particularly focussed on the potential impact of the changes on the licensing sector and the four licensing objectives, as set out in the Licensing Act 2003.

38. Application for A Hackney Carriage/Private Hire Vehicle Proprietors' Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Item 5.1 – 5.6 of the Official Minutes of the Council).

The Chairman invited all those present to introduce themselves and outlined the procedure to be followed at the Hearing. All parties confirmed their understanding of the procedure.

The Officer of the Licensing Authority presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration.

The Applicant's Legal Representative then put questions to the Officer of the Licensing Authority.

The meeting then moved into private session to allow Members to consider whether or not the witness for the Applicant could sit in the meeting whilst all

issues were being considered.

The meeting then reconvened and the Chairman announced the decision:

RESOLVED:

That the witness for the Applicant remains outside of the Hearing until called in, in order for all evidence in the case to be heard and considered in an orderly manner.

The Members of the Committee then put questions to the Officer of the Licensing Authority.

The Officer of the Licensing Authority then presented four witnesses in turn to the Committee, and each witness put forward their views in relation to the respective complaints they were involved in.

The Applicant's Legal Representative and Members of the Committee then put questions to each individual witness.

The Applicant's Legal Representative then presented the Applicant's case to the Committee.

The Officer of the Licensing Authority and Members of the Committee then put questions to the Applicant and the Applicant's Legal Representative.

The Applicant's Legal Representative then presented two witnesses in turn to the Committee, and each witness put forward their views in relation to the respective complaints they were aware of. *During this section of the meeting Councillor J.D. Bernard left the meeting and did not return.*

The Officer of the Licensing Authority put questions to the first witness, and Members of the Committee put questions to both witnesses.

The Officer of the Licensing Authority and the Applicant's Legal Representative then summed up their cases.

The Officer of the Licensing Authority, the Applicant and the Applicant's Legal Representative then left the room in order that the Committee could deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Committee.

Following deliberation, the Officer of the Licensing Authority and the Applicant returned to the meeting, and the Chairman read out the decision of the Committee:

RESOLVED:

That the Hackney Carriage/Private Hire Driver's Licence be granted, but is suspended with immediate effect until 01 March 2014.

Reasons for the Decision

The Committee finds that the driver did overcharge a customer on 25 May 2013.

The Committee also finds that the driver exceeded the speed limit, collided with a parked vehicle and grabbed a female passenger's arm on 17 July 2013.

The Committee also finds that the driver slammed on his brakes and behaved inappropriately towards passengers on 26 October 2013.

The Committee also finds that the driver used excessive speed when driving passengers on 08 November 2012.

The Committee finds that the driver failed to meet the reasonable standards expected of licensed drivers.

The Committee finds it proportionate and reasonable to grant, then immediately suspend the licence until 01 March 2014 on the grounds of public safety.

The meeting closed at 3:50pm

CHAIRMAN

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE

HELD ON TUESDAY 3 DECEMBER, 2013 AT 10.00 A.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors:

Grice, Mrs. D. (Chairman)
Fisher, P.
Todd, Mrs. D.

Licence Holder: Mr. C. Knight (Trust Inns)
Mr. D. Davies (Trust Inns)

Designated Premises Supervisor: Mr. J. Stead (The Shrew)
Mr. G. Houston (The Shrew)

Representing the Licence Holder: Mr. T. Shield (John Gaunt and Partners
Solicitors)

Representing the Licensing Authority: Mr. D. Prosser-Davies (Food Safety Manager,
Environmental Health Cannock Chase
Council)
Mr. S. O'Meara (Senior Licensing Officer)

Legal Advisor to the Committee: Mr. S. Turner (Principal Solicitor)

Secretary to the Committee: Mrs. W. Rowe (Senior Committee Officer)

1. Appointment of Chairman

Councillors P. Fisher and Mrs. D. Todd nominated Councillor Mrs. D. Grice as Chairman.

RESOLVED:

That Councillor Mrs. D. Grice be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

An apology for absence was received from Councillor C. Anslow. His place on the Committee was substituted by Councillor P. Fisher.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No declarations of interests were received.

4. Licensing Act, 2003 – Application for a Review of a Premises Licence – The Shrew, Rugeley

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.128). It was noted that some of the report contained exempt information. The Committee was informed that if it was necessary for this information to be referred to, the Chairman would formally move that the meeting be held in exempt session.

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure.

The officer of the Licensing Authority presented the report in respect of this matter. He outlined the relevant issues for consideration. He advised that he had been made aware that the parties had reached an agreement regarding the additional conditions in respect of training that had been requested by Staffordshire Police.

The Licence Holder and Members of the Sub Committee were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked.

The Applicant for review presented her case. A copy of the agreed conditions was circulated to the Committee.

The Licence Holder was afforded the opportunity of asking questions of the Applicant for review. Members of the Sub Committee then asked questions of the Applicant for review.

The Licence Holder presented his case. He referred to a document that had been circulated to Members prior to the hearing which outlined a record of staff training that had been undertaken.

The Applicant for review was afforded the opportunity of asking questions of the Licence Holder. Members of the Sub-Committee then asked questions of the Licence Holder.

The Officer of the Licensing Authority and the Licence Holder were given the opportunity to sum up their cases.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee.

RESOLVED:

After hearing evidence and submissions from Staffordshire Police and the representatives of the Licence Holder, and after noting the contents of the Committee report and the additional documents referred to at the hearing, the Committee decided that the extra conditions as set out below be added to the premises licence.

Extra Conditions:

"All Staff working at the premises involved in the sale of age restricted products

including the sale and supply of alcoholic products will receive training within 28 days of this order from a recognised external training company and subsequent two monthly refresher training on the law in relation to sales of alcohol. The training to be delivered by the Designated Premises Supervisor. Such training to be recorded in a staff training register and will include a written test of knowledge, signature of the member of staff and Designated Premises Supervisor together with the date. The training records will be made available to the police or an officer of a responsible authority upon reasonable request. The training records shall be kept at site and retained for 12 months”.

Reasons for the Decision

- i. The Parties have agreed the wording for the conditions set out in the paragraph above;
- ii. The Committee considers it appropriate and proportionate to impose these additional conditions in order to promote the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm;
- iii. The Committee noted the provisions of the statutory guidance and the Council's Licensing Policy relating to the sale of alcohol to minors, particularly paragraph 9.12 of the guidance;
- iv. The Committee would like to warn both the Licence Holder and the Designated Premises Supervisor that they must work together to ensure that the licence conditions are complied with in order to avoid the Police bringing a further review in the event of further underage sales.

Right of Appeal

Should the Licence Holder disagree with the Committee's decision he has a right of appeal to the Magistrates' Court. Any such appeal must be lodged with the Court within 21 days from the date the Licence Holder is notified by the Licensing Authority of this decision.

CHAIRMAN

(The meeting closed at 11:00 a.m.).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE

HELD ON THURSDAY 19 DECEMBER, 2013 AT 10.00 A.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT:

Councillors: Allen, F.W.C.
Bottomer, B.
Fisher, P.A.

Premises User:

Mr. J. Stead, Designated Premises Supervisor, The Shrew
Mr G. Hewson - The Shrew

Objectors to the Temporary Event Notices:

Inspector P. Cooke, Staffordshire Police
PC. N. Bills, Licensing Officer, Staffordshire Police

Representing the Licensing Authority

Mr. D. Prosser-Davies, Food Safety Manager, Cannock Chase Council;

Legal Advisor to the Committee:

Mr. S. Turner, Principal Solicitor, Cannock Chase Council.

Secretary to the Committee:

Mr M. Berry, Senior Committee Officer, Cannock Chase Council.

Also in attendance:

Mr. S. O'Meara, Senior Licensing Officer, Cannock Chase Council;

1. Appointment of Chairman

Councillors B. Bottomer and P.A. Fisher nominated Councillor F.W.C. Allen as Chairman of the Sub-Committee.

RESOLVED:

That Councillor F.W.C. Allen be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

Apologies were received from Councillor Mrs. D. Grice. Councillor B. Bottomer was present as the substitute Member.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No declarations of interests were received.

4. Licensing Act, 2003 – Police Notice of Objection to 3 Temporary Event Notices – The Shrew, 2 Market Street, Rugeley

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.30). It was noted that some of the report contained exempt information. The Committee was informed that if it was necessary for this information to be referred to, the Chairman would formally move that the meeting be held in exempt session.

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure.

The Officer of the Licensing Authority presented the report in respect of this matter. He outlined the relevant issues for consideration.

The Premises User, Objector to the Notice and Members of the Sub Committee were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked.

The Objector to the Notice presented their case for objection.

The Premises User and Members of the Sub-Committee were then afforded the opportunity of asking questions of clarification of the Objector to the Notice. No questions were asked by the Premises User.

The Premises User then presented his case.

The Objector to the Notice and Members of the Sub-Committee then put questions of clarification of the Premises User.

The Officer of the Licensing Authority, the Objectors to the Notice and Premises User were given the opportunity to sum up their cases.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee.

RESOLVED:

After hearing the evidence submitted by Staffordshire Police and the Premises User ("the Parties") and having considered the matters set out in the report attached to the agenda, and additional documents referred to at the hearing by the Parties

1. The Licensable Activities as set out in the three temporary event notices ("the

TENs”) submitted by the Premises User are not to be permitted.

Reasons for the Decision

- i) The Sub Committee considers that the Licensing Objectives relating to the Prevention of Crime and Disorder, Public Nuisance and Public Safety would be undermined if the proposed Licensable Activities were to be permitted as set out in the TENs;
- ii) The Sub Committee accepts the evidence from the Police representatives regarding concerns for community safety if the proposed Licensable Activities were to be permitted as set out in the TENs;
- iii) The Sub Committee considers it appropriate and proportionate to not permit the proposed Licensable Activities as per the TENs in order to promote the licensing objectives relating to the Prevention of Crime and Disorder, Public Nuisance and Public Safety ;
- iv) The Sub Committee has regard to the statutory guidance and the Council's Statement of Licensing Policy, particularly Paragraph 9.12 of the Guidance.

The meeting closed at 11:06am

CHAIRMAN