

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING SUB-COMMITTEE**  
**WEDNESDAY 7 OCTOBER, 2009 AT 9.30 AM**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

PRESENT: Councillors

Easton, R. (Chairman)

Allen, F.W.C.

Grice, Mrs. D.

Applicant:

Mr. Harkirat Singh Lidhar and Mrs. S. Chahal (Designated Premises Supervisor)

Representing the Applicant:

Mrs. G. Sherratt                      Licensing Matters Consultancy and Training

Responsible Authority Representation:

PC A. Frost                      Chase Division Licensing Unit, Staffordshire Police

Representing the Objectors:

Mr. E. Woodhead                      Local Resident

Mrs. L. Dibble                      Local Resident

Observing: Mr. I. Jeavons              Local Resident

Representing the Licensing Authority:

Mr. S. O'Meara                      Licensing Unit, Environmental Health, Cannock Chase Council

Solicitors advising Committee:

Mr. B. Thomas                      Senior Lawyer

Mr. G. Finn                      Senior Legal Officer

Also present to observe:

Mr. P. Freeman                      Freemans Menswear

**1. Appointment of Chairman**

RESOLVED:

That Councillor R. Easton be appointed Chairman for the Hearing.

**2. Apologies and Reconstitution of Membership**

The Chairman informed all parties that the Council would only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place would be substituted by another Member taken from the membership of the full Licensing/Public Protection Committee. In the event of this substitution taking place, all parties would be informed of the change of membership at the beginning of the hearing. The Chairman therefore confirmed that all Members were present for the Hearing today.

**3. Licensing Act 2003 – Application for a Premises Licence – Off Licence at 159 Longford Road, Cannock**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.21 of the Official Minutes of the Council).

Members of the Sub-Committee, representatives from the Licensing Authority, the Applicant, the Applicant's representative and the objectors introduced themselves.

The Chairman outlined the procedure to be followed at the hearing and all parties confirmed their understanding of the procedure.

The officer of the Licensing Authority presented the report in the presence of the Applicant, the Applicant's representative and objectors. He outlined the relevant issues for consideration by Members.

He advised that no representations had been received from any of the Council's Responsible Authorities. However, both Staffordshire Police and Staffordshire County Council Trading Standards required that a condition relating to a "Challenge 25" policy be placed on any licence which may be granted. He further explained that representations had been received from three local residents who were objecting to the application. These objections were included as Annexes to the report. He advised the Committee that the Applicant had a duty to confirm how it was intended to promote the four Licensing Objectives. This was attached at Annex 1 to the report.

Members were asked to determine whether the application should be granted, with or without conditions, having due regard to the four Licensing Objectives.

The Applicant and the Applicant's representative were afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. They confirmed that they had no questions to ask.

Members of the Sub-Committee were then afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. There being none the Applicant and the

Applicant's representative were then afforded the opportunity to present the case in respect of the matter.

The Applicant's representative stated that the proposed licensing hours of the premises were 8.00am to 11.00pm seven days a week. She confirmed that the Applicant was in agreement with the requirement from Staffordshire Police and Staffordshire County Council Trading Standards to include a condition relating to a "Challenge 21" policy.

She advised that Mr. and Mrs. Chahal would be the owners of the premises, Mrs. Chahal being the Designated Premises Supervisor. Their nephew, Mr. Lidhar, would be the licence holder. She explained that Mr. and Mrs. Chahal currently owned two similar premises, one in Newcastle and one in Stafford. They had owned these properties for a considerable number of years and therefore had a great deal of experience in retail, in the sale of alcohol and in age restricted sales. They had received seven letters congratulating them on passing test purchases. The proposed "Off Licence" was located in a residential area along a busy main road on a parade of six shops, one shop being licensed to sell alcohol until 11.00pm. She further commented that the premises had seven allocated car parking spaces. The store was to become part of the Bargain Booze franchise and she referred the Committee to the supporting documentation which outlined how Bargain Booze offered support to its franchise holders.

She confirmed that it was intended to install CCTV in the premises in order to assist in crime prevention. She made reference to Mr. Woodhead's letter of objection in which he outlined general perceived problems that were not based on any evidence. She commented that the Licensing Committee was not here to consider parking issues, litter or competition in the area.

She introduced Mrs. Chahal to the Committee who confirmed she had been in the retail business for 34 years and had no problems with alcohol related sales.

The Applicant's representative again referred to Mr. Woodhead's letter of objection in which he stated that he had experienced rude and intimidating behaviour in response to enquiries about the new tenants/owners intentions. However, Mrs. Chahal confirmed that she had only been to the premises on two occasions and had never met Mr. Woodhead.

The Applicant's representative asked the Committee to consider the application against the representations received. She felt that the application should be granted subject to the additional "Challenge 25" policy condition required by Staffordshire Police and Staffordshire County Council Trading Standards.

The objectors were then afforded the opportunity to ask questions of the Applicant and the Applicant's representative. In response to a question, the Applicant's representative confirmed that the Applicant would be able to manage running three premises as there were three partners involved in the running of the businesses. Each being responsible for running their own premises.

The Committee noted that Mr. Freeman was the current tenant of the premises, which was a menswear shop at present, and that he intended to surrender the lease to the prospective new tenants.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification

of the Applicant and the Applicant's representative. A Member asked whether the proposed CCTV would cover the area outside of the shop. In response, it was confirmed that it would cover the immediate vicinity outside the premises. It would be a digital system operated internally. It was also confirmed that there were two rubbish bins in the immediate vicinity. In response to a further question Mrs. Chahal confirmed that should there be any problems with the youths gathering outside the premises causing trouble she would politely ask them to move along and seek Police assistance as and when necessary.

The objectors were then afforded the opportunity to present the case in respect of the matter. Mr. Woodhead expressed concern that there would be an increase in lorry deliveries and had further concern regarding the parking. He was against another off licence being opened in the vicinity. Additionally, he commented that he had discovered needles and cans in the boundary of this home and felt that another shop would make the situation worse.

Mrs. Dibble advised the Committee that residents considered that problems already existed with the "One Stop" shop which was licensed to sell alcohol until 11.00pm. Gangs of youths gathered in the area until 11.30pm and drug dealing had been witnessed. She felt that drink was the cause of the problems in the area. There had been a number of thefts from the "One Stop" shop and the Police had been called out on a number of occasions. She commented that the proxy purchasing of alcohol was commonplace and she had photographic evidence of youths urinating in the waterworks gateway (which was adjacent to the premises). She also had information outlining the high crime figures in the area. Residents considered that the opening of another shop which was licensed to sell alcohol would increase the problems that already existed. She further considered that the proposed licensing hours of 8.00am to 11.00pm were too long.

The Council's Legal representative advised that the concern expressed regarding parking was not a Licensing matter. The opening of the shop would be subject to obtaining the necessary planning permission and the issues surrounding car parking spaces would be addressed at this stage.

The Applicant and the Applicant's representative were then afforded the opportunity to ask questions of clarification of the objectors. The Applicant's representative asked Mr. Woodhead to confirm that he wrote the letter of objection as attached to the report at Annex 5. He stated that his daughter in law had written the letter on his behalf. The Applicant's representative asked Mr. Woodhead to explain when he had been intimidated by the new tenants/owners as stated in this letter. Mr. Woodhead apologised for this paragraph being included within the letter as it was not the case.

The Applicant's representative asked Mrs. Dibble whether she had complained to the relevant bodies regarding the problems she had outlined the residents were experiencing with the "One Stop" shop. Mrs. Dibble confirmed that she had not made any formal complaint regarding this matter.

Members of the Sub-Committee were then afforded the opportunity to ask questions of the objectors. In response to a question from a Member, an objector confirmed that there was a centre for adults with learning difficulties located in the vicinity. The Committee noted that the area was a mixture of residential and business premises and referred to the site plan on Enclosure 4.16 of the report.

A Member asked the objectors whether there was any evidence that opening another premises licensed to sell alcohol would cause bad behaviour and drinking outside the premises. Mrs. Dibble commented that these problems already existed and the Police had to regularly attend. She considered that the opening of a further shop licensed to sell alcohol would increase the problems and make matters worse. The Police Representative from the Chase Division Licensing Unit commented that, whilst he was sympathetic to the residents concerns, he had spoken to the Police Officer and Police Community Support Officer for the area and there was no evidence that it was a hotspot for anti social behaviour. There had been no formal complaints received by the Police regarding the "One Stop" shop. He outlined the importance for residents to report any incidents to the Police in order to gather evidence.

A Member asked whether the granting of this licence would make the area a hotspot for anti social behaviour. The Police Representative stated that he could not answer that question as he could not see into the future and any problems that may or may not arise.

The Licensing Officer then had the opportunity to sum up the case. He stated that Members had heard all the submissions and would need to decide whether the application compromised the four Licensing Objectives. He considered that the submissions made by the objectors did not relate to the Licensing Objectives. He asked the Committee to note that there had been no objections from the Responsible Authorities.

The objectors were given the opportunity to sum up their case. Mr. Woodhead confirmed that he was against the application and did not want another premises licensed to sell alcohol opposite his house. Mrs. Dibble stated that residents were opposed to the application as they considered granting the licence would exacerbate the problems that already existed in the area.

The Applicant's representative was then given the opportunity to sum up. She commented upon the Applicant's relevant experience of selling alcohol and their understanding of the residents concerns. However, many of the issues outlined by the objectors were not relevant and each application must be judged on its own merits. If residents had concern regarding the "One Stop" shop they had the opportunity of requesting a review of the premises licence. The fact that there was another premises licensed to sell alcohol in the vicinity was also not relevant in determining this application. The Applicant had a responsibility of upholding the Licensing Objectives within their premises and was not responsible for what happened outside of the premises. The Police had an array of powers to act against anti social behaviour. However, if these problems were not reported to the Police they did not exist. She then referred to a Licensing ruling on a case heard at High Court which stated that any decision made by the Licensing Committee must be based on evidence and not speculation. There was a review procedure in place and the application could be called in for review in six months time should any problems arise. The fact that Staffordshire Police as a Responsible Authority had not objected should carry significant weight when determining the application. The application did not compromise the Licensing Objectives and she asked the Committee to grant the application.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Solicitor and Secretary to the Sub-Committee. On re-convening the meeting the Chairman stated that Members had not given consideration to the information outlining the crime figures in the area as this had not been provided by Staffordshire Police.

RESOLVED:

- (A) The Licensing Sub-Committee considered all the evidence and representations made and after careful deliberation decided that the Premises Licence be granted in respect of "The Off Licence" at 159 Longford Road, Cannock, Staffs WS11 0LG.
- (B) The application would be subject to a "Challenge 25" Policy which states that "if a person appears to be under the age of 25 they will be challenged for identification to prove they are over 18 years of age. The only forms of ID to be accepted will be passport, a photo driving licence or a proof of age card that has the PASS accreditation hologram on it".

#### Reasons for the Decision

The Committee considered the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Committee was sympathetic to the concerns and issues raised by the objectors with regards to the changing nature of the street, debris and increased foot and vehicular traffic. The Committee shared the worries and concerns over the impact and effect of alcohol related issues, drugs and related activity in the area advanced by the objectors but referred to the licensing objectives and the comments of PC Andy Frost that although there was anti social behaviour in the area nothing significant had been reported to the police. The Committee also noted the issues raised over anti-social behaviour, crime and disorder, and public nuisance.

However, the Committee could not ignore the fact that no representations had been advanced by any Responsible Authority including the police. Moreover, no documentary evidence had been provided to support the concerns and issues raised by the objectors.

The Committee, in considering its obligations under the Licensing Act 2003, therefore determined that there were no reasons available to justify the refusal of the application for a Premises Licence in respect of 159 Longford Road, Cannock, Staffordshire.

The application was therefore granted.

#### **4. Licensing Sub Committee Hearing – 1.30 pm**

PRESENT: Councillors

Easton, R. (Chairman)

Allen, F.W.C.

Grice, Mrs. D.

Applicant:

Mr. B. Singh

Representing the Applicant:

Mr. J.K. Kalsi

Building Design and Technical Services, Wolverhampton

Mr. Kelling

Leonard Broom Ltd, Chadsmoor

Representing the Objectors:

Ms. C. Wickson	Addiction Dependency Solutions (ADS)
Mrs. J. Turner	Local Resident
Mrs. Sharegill	Local Resident representing Mr. S. Singh (Objector)

Responsible Authority Representation:

PC A. Frost	Chase Division Licensing Unit, Staffordshire Police
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Representing the Licensing Authority:

Mr. S. O'Meara	Licensing Unit, Environmental Health, Cannock Chase Council
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Solicitors Advising Committee:

Mr. S. Tour	Solicitor
Mr. G. Finn	Senior Legal Officer

**5. Appointment of Chairman**

RESOLVED:

That Councillor R. Easton be appointed Chairman for the Hearing.

**6. Apologies and Reconstitution of Membership**

The Chairman informed all parties that the Council would only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place would be substituted by another Member taken from the membership of the full Licensing/Public Protection Committee. In the event of this substitution taking place, all parties would be informed of the change of membership at the beginning of the hearing. The Chairman therefore confirmed that all Members were present for the Hearing today.

**7. Licensing Act 2003 – Application for Premises Licence – Off Licence, 249-251 Cannock Road, Chadsmoor, Cannock, Staffs, WS11 5DD**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.40 of the Official Minutes of the Council).

Members of the Sub-Committee, representatives from the Licensing Authority, the Applicant, Applicant's representative and objectors introduced themselves.

The Chairman outlined the procedure to be followed at the hearing and all parties confirmed their understanding of the procedure.

The officer of the Licensing Authority presented the report in the presence of the applicant, the applicant's representative and objectors. He outlined the relevant issues for consideration by the Committee.

Mr. O'Meara then advised that no formal representations had been received from Staffordshire Police as a Responsible Authority although they would require a condition in relation to the 'Challenge 25' policy which would replace the applicant's 'Challenge 21' policy. He advised that the condition had been agreed between the Police and the applicant and referred to page 19 of the report which reflected the necessary change. Other representations had been received from Addiction Dependency Solutions, local residents and a petition.

The applicant and his representative were afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The applicant and his representative confirmed that they had no questions to ask.

Members of the Sub-Committee were then afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. There being none the applicant and his representative was then afforded the opportunity to present the case in respect of the matter.

The Applicant's representative advised the Committee that no formal representations had been received in respect of the application. He stated that the only representations received were from local residents, Addiction Dependency Solutions and a petition which had been made by one of the objectors collecting signatures outside the premises in question. The Applicant's representative also stated that one objector lived 350 metres away from the proposed business. He advised that if the applicant was successful in securing a premises licence the business would be closed at weekends and all day on Wednesdays.

The objectors were then afforded the opportunity to ask questions of the applicant and his representative. An objector referred to the opening hours that had been proposed and asked why the business would be open from 7 a.m. The Applicant stated that he had proposed a 7 a.m. opening given that in the future he wished to open a supermarket, however initially he would open the business from 10 a.m. An objector asked why the off licence needed to be in Chadsmoor given the number already in the same vicinity. The Applicant stated that he thought an Off Licence would be a good idea and could offer a good range at competitive prices. The objector from ADS provided the Committee with information on the work of ADS and raised concern in light of the work undertaken by the organisation to help those with drug and alcohol related problems. The objector asked why the business would open so early and why it needed to be in Chadsmoor. At this point the Council's Solicitor stated that the Committee recognised the concerns made and stated that the concerns needed to address one or more of the 4 licensing objectives. For example, he referred to the 'Challenge 25' scheme which he pointed out directly related to the licensing objective for 'The prevention of crime and disorder'.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the applicant and his representative. A Member talked about being responsible and irresponsible in relation to a comment previously made about food and alcohol, and asked the Applicant if he thought there was a difference. The Applicant stated that he was a responsible person and had been in business 10 years. He advised that his staff were trained to deal with drunken people and underage drinking and was aiming his business at responsible people. Furthermore, he had adopted the 'Challenge 25' policy and would also ask for proof of identification. A Member asked what safeguards were in place should the business was to attract rowdy youths. The Applicant stated that at one of his businesses he had CCTV and 6 cameras on the premises, and an alarm which sent out a high pitch noise. The Applicant

stated that if it was necessary to contact the Police then he would do this. Members asked questions regarding the CCTV, and the Applicant advised that he had a 30 day hard drive which would record 30 days at one time, and therefore could refer back to it if there were any problems.

The objectors were then afforded the opportunity to present the case in respect of the matter. The Licensing Officer at this point asked for the Committee's indulgence in considering whether they would accept a representation from Mrs. Sharegill who was representing her partner Mr. S. Singh who had previously made an objection. At this point the objector from ADS stated that she had been employed in the area for less than 2 years and had moved to Chadsmoor which was an area of deprivation with drug and alcohol problems. She stated that the main concern for ADS was being located right next door to the proposed Off Licence which would have a negative impact rather than positive on the people that randomly used the services of ADS. She raised concern that young people had drug problems and adults would purchase alcohol for young people which was a major problem. She stated that an area of concern was the bench situated outside of ADS which was used by those with drug and alcohol problems, and by having another Off Licence situated next door it would create further problems. She stated that she had resided in the Chadsmoor area for over 8 years and there were a number of children with Anti-Social Behaviour Orders. A further Objector referred to the 'Challenge 25' policy and stated that children would ask their elders to purchase alcohol for them. She then referred to the Public Safety Objective and stated that both the elderly and young children were frightened to walk down Cecil Street because of the number of people intoxicated by alcohol. The Objector then referred to the Prevention of Public Nuisance Objective and stated that she regularly cleaned rubbish off the car park, cleaned up vomit from stairways and commented on the nuisance from fights and people singing in the street at night. With regard to the Prevention of Crime and Disorder Objective she stated that there were no facilities for young people and therefore drugs and alcohol were available to them which resulted in problems being cause.

The applicant and his representative were then afforded the opportunity to ask questions of clarification of the objectors. The Applicant and his representative confirmed that they had no questions to ask.

Members of the Sub-Committee were then afforded the opportunity to ask questions of the objectors. A Member was keen to know about the situation outside of ADS. The objector stated that prior to ADS moving into Chadsmoor there was a far worse problem with people on either drugs or alcohol who would congregate on the bench outside, although now the alcohol and drug related problems had decreased. A Member asked the objector what days ADS were open. The objector stated that the service was offered Monday-Thursday, and Friday was a training day whereby an NVQ course was offered to those who were trying to stay off drugs and alcohol. A Member asked what proof there was that there would be an increase in the amount of alcohol sold if the licence was granted. The objector stated that it would be more accessible and 'price wars' made it cheaper. The Solicitor clarified the nature of the objections and stated that there were a number of problems in the area with drugs, alcohol and anti social behaviour and questioned whether or not the area required a further off licence premises. A Member asked an objector if it would alleviate some of the problems if the Applicant turned the premises into a store in the future, should the licence be granted. The objector stated that it would not help the problems.

The Officer of the Licensing Authority then had the opportunity to sum up. The objectors

followed by the Applicant and his representative were also afforded the opportunity to sum up their cases.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Solicitor and Secretary to the Sub-Committee. The meeting then re-convened.

RESOLVED:

The Licensing Sub-Committee considered all the evidence and representations made and after careful deliberation decided that the Premises Licence be granted in respect of "The Off Licence" at 249-251 Cannock Road, Chadsmoor, Cannock, Staffs, WS11 5DD.

#### Reasons for the Decision

The Committee gave careful consideration to all relevant representations made and evidence provided and also considered the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Committee was sympathetic to the concerns and issues raised by the objectors and shared the worries and concerns over the impact and effect of alcohol dependency and other associated problems that had been advanced by the objectors. The Committee noted the issues raised over anti-social behaviour, crime and disorder and public nuisance. The Committee recognised that the Chadsmoor area had difficulties and that all issues needed to be properly balanced.

However, the Committee could not ignore that fact that no representations had been advanced by any Responsible Authority. Moreover, no documentary evidence had been provided to support the concerns and issues raised by the objectors.

The Committee in considering its obligations under the Licensing Act 2003, therefore deemed that there were no reasons that justified the refusal of the application for a Premises Licence in respect of 249-251 Cannock Road, Chadsmoor.

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CHAIRMAN