

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

HELD ON MONDAY 17 SEPTEMBER, 2012 AT 11.00 A.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Dudson, A. (Chairman)

Anslow, C. Todd, Mrs. D.

Applicant:

Mr. M. Wilson, Trading Standards, Staffordshire County Council
Ms. F. Chapman, Trading Standards, Staffordshire County Council

Licence Holder and DPS:

Mr. K. Singh

Representing the Responsible Authorities

Ms. J. Mellor, Staffordshire Police

Representing the Licensing Authority:

Mr. S. O'Meara, Senior Licensing Officer, Environmental Health, Cannock Chase Council
Mr. D.P. Davies, Food and Safety Manager, Cannock Chase Council

Legal Advisor to the Committee:

Mr. S. Turner, Solicitor

Secretary to the Committee:

Mrs. J. Hunt, Senior Committee Officer

17. 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 informed all those present that Councillor F.W.C. Allen would not be in attendance and would be substituted by Councillor C. Anslow.

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

No declarations of interests were received.

19. Exclusion of the Public

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 of the Local Government Act, 1972 (as amended).

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PART 2

20. Licensing Act, 2003 – Application for a Review of a Premises Licence/Objection to the Transfer of Premises Licence/Objection to the Application to Vary the Designated Premises Supervisor – Booze Stop, 1 Mill Street, Cannock, Staffs, WS11 3DP

Consideration was given to the Report of the Head of Environmental Health (Enclosure 5.1 – 5.22 of the Official Minutes of the Council).

The Licence Holder and DPS wished to inform the Sub-Committee that the Applicant who had applied to be the Premises Licence Holder had withdrawn her application and would not be attending the Licensing Sub-Committee hearing.

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure and explained that each party would have an equal amount of time in which to present their case.

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

The Licence Holder was afforded the opportunity to ask questions of the Officer of the Licensing Authority and the Applicant for review was also given this opportunity.

Members of the Sub-Committee were also given the opportunity to ask questions of the Officer of the Licensing Authority.

The Applicant for review was then afforded the opportunity to put their case. The Licence Holder was then given the opportunity to ask questions of the Applicant for review.

The Responsible Authority making representation was then given the opportunity to ask questions of the Applicant for review. The Members of the Sub-Committee were also given the opportunity to ask questions of the Applicant for review.

At this point the Responsible Authority making representation was given the opportunity to put their case. The Applicant for review was given the opportunity to ask questions.

The Licence Holder was also given the opportunity to ask questions of the Responsible Authority making representation. Members of the Sub-Committee were also given the opportunity to ask questions.

The Licence Holder was then given the opportunity to present his case and distributed information to the Sub-Committee in support of his case.

The Applicant for review was then given the opportunity to ask questions of the Licence Holder. The Responsible Authority making representation and Members of the Sub-Committee were also given the opportunity to ask questions.

All parties were then afforded the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Adviser and Secretary to the Committee.

That after hearing the evidence submitted and the representations made by the Licence Holder, Staffordshire County Council Trading Standards Department and by Staffordshire Police, and having considered the matters set out in the report of the Head of Environmental Health.

RESOLVED:

That, having considered all the submissions made and having regard to all the circumstances, the Premises Licence be revoked.

Reasons for the Decision

The Sub-Committee was satisfied that unsafe counterfeit and non-duty paid alcohol had been exposed for sale at the premises. The Sub-Committee considered that the premises had been trading irresponsibly and the crime prevention objective had been undermined as a result.

The Sub-Committee had made the decision in order to protect the public and local residents from the dangers of consuming unsafe alcohol, and in consideration of the licensing objectives relating to public safety and the prevention of crime and disorder.

The Sub-Committee had regard to the statutory guidance concerning the determination of reviews under the Licensing Act 2003, and considered that the sale of smuggled or illicit alcohol was a matter that should be treated particularly seriously.

CHAIRMAN

(The meeting closed at 2.00 p.m.).