

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

HELD ON TUESDAY, 16 AUGUST, 2011 AT 10.00 AM

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Grice, Mrs. D. (Chairman)

Bernard, J. D. Todd , Mrs. D. M.

Representatives for the Licence Holder:

Mr. R. Botkai, Solicitor, Winckworth Sherwood, Solicitors
Ms. N. Gray, Malthurst Retail Limited

Responsible Authority Representation:

Sergeant Czechowski, Staffordshire Police
N. Bills, Licensing Officer, Southern Licensing Unit, Staffordshire Police
J. Mellor, Licensing Officer, Southern Licensing Unit, Staffordshire Police

Ms. J. Biard, Senior Planner, Cannock Chase Council

Representing the Licensing Authority:

Mr. S. Shilvock, Head of Environmental Health, Cannock Chase Council
Mr. S. O'Meara, Senior Licensing Officer, Environmental Health, Cannock Chase Council

Legal Advisor to the Committee:

Mr. G. Finn Senior Legal Officer

Secretary to the Committee:

Mrs. C. Bowker Senior Committee Officer

(The meeting commenced at 10.20 a.m. due to the Sub-Committee having not been quorate)

1. Appointment of Chairman

RESOLVED:

That Councillor D. Grice be appointed Chairman for the Hearing.

2. Apologies and Reconstitution of Membership

Apologies for absence were received from Councillors F. W. C. Allen and J. Burnett.

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 confirmed that she and Councillor J. D. Bernard had been substituted for Councillors F. W. C. Allen and J. Burnett.

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 Premises Licence – Malthouse Rugeley, Jet Petrol Station

The Chairman asked all parties to introduce themselves.

It was reported that agreement had been reached regarding the issues of concern raised by Staffordshire Police and Mrs. Biard from the Council's Planning Department during discussions which had taken place with the applicant's representatives prior to the commencement of the meeting. It was agreed that the order of the procedure would be altered accordingly.

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.22 of the Official Minutes of the Council).

The Officer of the Licensing Authority presented the report in the presence of the applicant's representatives and objectors. The relevant issues were outlined for consideration by Members. The Sub-Committee was advised that representations had been received from Staffordshire Police and the Council's Planning Department on the basis that the licensing objectives of the prevention of crime and disorder and public nuisance would be compromised. Staffordshire Police maintained that Malthurst Rugeley was a Jet petrol station and was therefore excluded under s176 of the Act and alcohol could not be sold at the premises.

The objectors to the application were then afforded the opportunity to ask questions of clarification of the Officer from the Licensing Authority. The objectors confirmed they had no questions to ask of the Officer.

The applicant's representatives were afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The applicants representatives confirmed they had no questions to ask of the Officer.

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's legal representative was then afforded the opportunity to present the case in respect of the matter.

It was explained that the premises were to be revamped and would consist of a convenience store and a petrol station. The licence holder would supply the Police with information before alcohol was sold at the premises establishing that they would not be an excluded premises. The primary use of the premises would not be that of a garage.

With respect to the concerns raised by the Senior Planning Officer relating to the plan submitted as part of the license application and the change of use, it was confirmed that there would be no change of use to the petrol station.

The objectors were then afforded the opportunity to ask questions of the applicant's representative. There being none, Members of the Committee were afforded the opportunity to ask questions of the applicant's representative.

Members asked if it would be operating as a petrol station with a convenience store and whether the shop would be trading as an Off Licence. The applicant's legal representative confirmed that this would be the case.

The objectors were then afforded the opportunity to present their cases in respect of the matter.

The Senior Planning Officer confirmed that having discussed the issues prior to the commencement of the meeting with the relevant parties, she was withdrawing her objection to the application.

Sergeant Czechowski informed the Sub-Committee that, subject to the licence holder providing the Police with data that satisfies them, before alcohol was sold at the premises, that they would be trading as a convenience store with an Off Licence, as opposed to a petrol station, the Police would withdraw their objections.

Following this, the Sub-Committee deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee. The meeting then re-convened.

RESOLVED:

That the application for a premises licence be granted, subject to the conditions contained within the report and the following additional condition:-

The licence holder will supply the Police and the Licensing Authority with data that establishes that the premises are not excluded premises as defined in Licensing Act, 2003 s.176 before alcohol is sold at the premises.

Reasons for the Decision

The Sub-Committee had given careful consideration to all representations made, together with the relevant provisions of the Licensing Act 2003 and Section 182 Statutory Guidance issued by the Secretary of State, as well as the Council's licensing policy.

It was noted that the issues of concern raised by Staffordshire Police and Mrs. Biard from the Local Planning Authority had been resolved with the Applicant during discussions which had taken place prior to the meeting commencing.

The Sub-Committee, in considering its obligations under the Licensing Act 2003, had therefore determined that there were no reasons that justified the refusal of the application for a Premises Licence. The application was therefore granted.

The Chairman thanked everyone for their attendance and closed the meeting at 10.50 a.m.

CHAIRMAN