

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON MONDAY 5 NOVEMBER 2018 AT 1:00PM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors:

Cartwright, Mrs. S.M.
Johnson, T.B.
Todd, Mrs. D.M.

Applicant for Review

Mr M. Wilson (Principal Trading Standards Officer, Staffordshire County Council)

Representing the Licensing Authority:

Mr D. Prosser-Davies (Food, Safety & Licensing Manager)

Mr S. O'Meara (Senior Licensing Officer)

Premises Licence Holder and Designated Premises Supervisor

Mr S. Josotharan (Westbourne Food & Wine)

Representing the Licence Holder and Designated Premises Supervisor

Mr J. Flanagan (Portcullis Associates Ltd.)

Legal Advisor to the Sub-Committee:

Mr S. Turner (Principal Solicitor)

Secretary to the Sub-Committee:

Mr M. Berry (Senior Committee Officer)

Observer:

Mr S. Kearney (Licensing Enforcement Officer)

1. Appointment of Chairman

Councillors Mrs. S.M. Cartwright and Mrs. D.M. Todd nominated Councillor T.B. Johnson as Chairman.

RESOLVED:

That Councillor T.B. Johnson be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

No apologies were received.

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 – Westbourne Food & Wine, 1 Westbourne Avenue, Cannock, WS11 4AN

The Chairman asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing, which had been circulated to all parties in advance.

The Officer representing the Licensing Authority advised the Sub-Committee that the Licence Holder had provided additional evidence to Trading Standards in advance of the meeting, but this evidence had not been supplied to the Licensing Authority.

The Sub-Committee requested to be given a copy of the additional evidence, and would adjourn the meeting to allow time to review its contents.

The meeting adjourned at 1:12pm and re-convened at 1:32pm.

The Officer representing the Licensing Authority then presented the report in respect of the application for review and outlined the relevant matters for consideration (Enclosure 4.1 – 4.111 of the Official Minutes of the Council). The Applicant for Review, Licence Holder, Licence Holder's Representative and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Officer of the Licensing Authority on the report presented. No questions were asked.

The Applicant for Review then presented his case to the Sub-Committee and raised some questions for the Sub-Committee to consider in relation to the additional evidence submitted. The Legal Advisor to the Sub-Committee advised the Sub-Committee that it may be too early in the proceedings to consider what weight should be given to the additional evidence, but should keep it in mind for until all parties had presented their respective cases. The Licence Holder's representative then provided clarification to the Sub-Committee on the questions raised by the Applicant for Review. The Licence Holder, Licence Holder's Representative and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Applicant for Review on the case presented. Questions were asked by the Licence Holder's Representative only.

The Licence Holder's Representative then presented their case to the Sub-Committee. The Applicant for Review and Members of the Sub-Committee were then afforded the opportunity to ask question of the Licence Holder on the case presented. Questions were asked by Members only.

Copies of proposed additional licensing conditions submitted by the Licence Holder were then circulated to the Sub-Committee for consideration.

The Officer of the Licensing Authority, Applicant for Review, the Licence Holder and Licence Holder's Representative were then given the opportunity to sum up their respective cases. Summation was provided by all parties.

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

All parties then returned to the meeting and the Chairman announced the decision of the Sub-Committee and reasons for the decision, as follows:

The Licensing Sub-Committee listened carefully to the representations from the parties, and considered the evidence and supporting documents that the parties referred to.

The Sub-Committee considered the statutory guidance and the Council's Licensing Act Policy.

RESOLVED:

That:

- (A) The conditions put forward by the Licence Holder be added to the section related to 'The Protection of Children from Harm' in the Premises Licence.
- (B) The Premises Licence not be revoked or suspended, and the Designated Premises Supervisor not be removed.

Reasons for Decisions

The Sub-Committee considered that the review was properly made, and based on sound reasons and evidence.

The Sub-Committee was pleased to note the measures that the Licence Holder and Designated Premises Supervisor had taken to tighten up procedures and to promote the Licensing Objectives, in particular the additional staff training.

The Sub-Committee noted that the Designated Premises Supervisor and Licence Holder fully admitted that two underage sales of alcohol had been made from the premises.

The Sub-Committee emphasised that the sale of alcohol to children was very serious, and expected the Licence Holder to do all that he could to ensure there were no further illegal sales of alcohol.

The Sub-Committee hoped not to see this Premises Licence here for review again.

The meeting closed at 2:55 p.m.

CHAIRMAN