

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON MONDAY 18 JANUARY 2016 AT 10:00AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors:

Allen, F.W.C.
Johnson, T.B.
Todd, Mrs. D.M. (Reserve)

Applicant: Not present

Responsible Authority:

PC D. Evans (Police Licensing Officer, Staffordshire Police)

Representing the Licensing Authority:

Mr. D. Prosser-Davies (Food and Safety Manager)

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

Secretary to the Committee: Mrs. J. Hunt (Senior Committee Officer)

Observers:

Mr S. O'Meara (Senior Licensing Officer)
Councillor A. Dudson (Environment Portfolio Leader)

1. Appointment of Chairman

Councillors Mrs. D.M. Todd and T.B. Johnson nominated Councillor F.W.C. Allen as Chairman.

RESOLVED:

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

2. Apologies and Reconstitution of Membership

An apology for absence was received from Councillor Mrs. D. Grice.

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

No declarations of interests were received.

4. 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 Paragraphs 1 and 2, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).

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PART 2

5. Licensing Act, 2003 – Application to transfer the Premises Licence and vary the Designated Premises Supervisor – Glassworks, Brewery Street, Rugeley.

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.17 of the Official Minutes of the Council).

The Chairman asked all parties present to introduce themselves and to confirm their understanding of the procedure. The Applicant was not in attendance and was not represented.

At this point the Chairman of the Committee asked if the Police Representative wished for the meeting to proceed or be adjourned.

The Chairman also asked that clarification be given that the Applicant had been made fully aware of the meeting and had been sent all correspondence that all other parties had received.

Both the Officer representing the Licensing Authority and the Representative of the Responsible Authority confirmed that the Applicant had been sent all correspondence.

The Licensing Sub-Committee was satisfied that the notice of hearing letters and agenda had been sent to the Applicant both by post and email in advance of the hearing, and that the Applicant had been given sufficient notice of the hearing to allow him to arrange for a representative to attend the hearing on his behalf.

Therefore, the Licensing Sub-Committee did not consider it was necessary in the public interest to adjourn the hearing, and decided to hold the hearing in the absence of the Applicant.

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

The Police Representative and Members were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked. The Police Representative presented their case.

The Members of the Sub-Committee were afforded the opportunity of asking the

Police Representatives questions. No questions were asked.

The Officer of the Licensing Authority and the Police Representative 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:

That, after hearing the evidence submitted and the representation made by the Responsible Authority, and having considered the matters set out in the report, the application to transfer the Premises Licence and to vary the Premises Licence in order to change the Designated Premises Supervisor (DPS) be refused.

Reasons for Decision

Heritage Carveries Limited took control of the premises on 10 December 2015;

By 16 December 2015 Police had been called to the premises on two separate occasions for disorder related matters;

The Sole Director of Heritage Carveries Limited was sentenced to 26 weeks imprisonment on 15 December, having been convicted of benefit fraud offences amounting to £26,000 of deception;

The Director of Heritage Carveries Limited was convicted of theft from a licensed premises in 2013, while employed by the licensing industry, and the theft was from the premises he was responsible for.

The Sub-Committee therefore found that there were exceptional circumstances to reject the application to transfer the premises licence on the basis that the Director of Heritage Carveries Limited had been convicted of criminal offences relating to dishonesty. One of those offences related to theft from licensed premises in 2013, and there was a very recent conviction for benefit fraud.

Given the commission of those offences the Sub-Committee rejected the application as it considered it appropriate for the promotion of the crime prevention objective to do so.

Given that the application to transfer was rejected, it followed that the application to vary the Premises licence to change the DPS also failed.

The meeting closed at 10:40am

CHAIRMAN