

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING SUB-COMMITTEE**  
**MONDAY 13 DECEMBER, 2010 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Bernard, J.D.                      Grice, Mrs. D.

Representing the Applicant:

Ms. L. Huband                      Little Chef Group

Responsible Authority Representation:

PC S. Williams                      Staffordshire Police Southern Licensing Unit  
Ms. N. Bills

Representing the Licensing Authority:

Mr. S. Shilvock                      Head of Environmental Health, Cannock Chase Council

Solicitors Advising Committee:

Ms. J. Uppal                      Locum Lawyer  
Mr. G. Finn                      Senior Legal Officer

**1. Appointment of Chairman**

RESOLVED:

That Councillor F.W.C. Allen 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.

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

There were no Declarations of Interests declared.

**4. Licensing Act 2003 – Application for a Premises Licence – Burger King, Western Springs Road, Rugeley**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.42 of the Official Minutes of the Council).

Members of the Sub-Committee, the representative from the Licensing Authority, the Applicant's representative and objector 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's representative and objector. He outlined the relevant issues for consideration by Members.

The Officer representing the Licensing Authority advised that a formal representation had been received from Staffordshire Police on the basis that granting the application would impinge on the four Licensing Objectives.

The Objector was afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The Objector confirmed he had no questions to ask of the Officer.

The Applicant's representative was afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The Applicant's representative confirmed she 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 representative was then afforded the opportunity to present the case in respect of the matter.

The Applicant's representative advised that Little Chef owned 28 Burger King Franchises and was landlord to Travelodge in Rugeley. She referred to the Report and advised that no complaints had been received of disorder or public nuisance, or any reports of verbal abuse to staff on the premises. She stated that the facility would be changed to allow for a takeaway only at Burger King, therefore the toilet was closed and tables were removed from the facility. She advised that recently due to the current market downturn it had been decided to install a more suitable toilet facility at the premises. The Applicant's representative indicated that the incidents which had been recorded were not directly related to Burger King and advised the Committee that there was a commitment to maintaining the premises.

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.

A Member queried the list of complaints in respect of the site. The Applicant's representative

advised the Committee that she had no record of any complaints and none had ever been raised. A Member asked if the additional hour of trading was at night time. The Applicant's representative advised that it was although they were open to negotiation.

The objector was then afforded the opportunity to present his case in respect of the matter. The objector stated that a search had previously been conducted of incidents in and around the location of the premises. He advised the Committee that the Applicant had changed the application which was now for late night refreshment and recorded music. He advised the Committee that he had written to the Applicant raising concerns especially with the lack of security and CCTV at the premises. He advised that the Applicant had indicated that they would limit the application as a 'drive-thru' only, although there was concern with the time at which it would be open. There was concern that this could potentially attract drunken people and the premise was close to the town centre. He advised that as part of the application it had stated that the premises staff were trained in dealing with problems and that they should contact the Police in the event of any disturbances. The objector was of the opinion that if there were any disturbances at the premises, the Police should not be relied upon to tackle the problems and the Applicant should have something in place. He advised the Committee that as part of the application the Applicant had stated that the garage adjacent to the premises had CCTV installed although in his opinion rival premises equipment should not be used. He raised concern that by allowing the premises to open late at night would give opportunity for minors to use the premises and again he reiterated that the Police should not be relied upon should there be problems and raised concern that there was no guarantee of personal safety of staff. The objector then advised the Committee that the application had originally stated that public conveniences would be provided by the adjacent garage, although when investigated the garage conveniences were not in use and the conveniences located 200 yards away were out of order, and the nearest ones were in the town centre. He advised that this could lead to problems and people resorting to using whatever was around them if public conveniences were not available. He then pointed out that the application stated that the premises complied with fire safety, although when contacted by the Fire Safety Officer he was still awaiting a full fire risk assessment for the premises. The objector was of the opinion that the Applicant did not intend to take any steps to meet the licensing objective and there was reliance not only on the Police but also other businesses to use their facilities.

The Applicant was then afforded the opportunity to ask questions of clarification of the objector. The Applicant's representative asked if there had been no prior knowledge of the problems at the premises, would it be reasonable to accept an extra hour of opening. The objector advised the Applicant that by seeking to open an extra hour the application would fall under the Licensing Act 2003 and there was a requirement for an understanding of the Act although in this case no steps had been taken. The Applicant's representative then asked what measures would be expected from a take-away premise to deal with minors late at night. The objector advised that a premise could introduce an age policy or make the premise less inviting although it would be for the Applicant to decide what they intended to do. The Applicant asked if it was fair to say that there had been no reason for contact prior to the application being submitted regarding public nuisance issues. The objector advised that he had no prior knowledge of how the complaints had previously been dealt with although under the Licensing Act tighter controls were required and no offer had been made to install any CCTV or any other controls to alleviate nuisance.

Members of the Sub-Committee were then afforded the opportunity to ask questions of clarification of the objector. A Member asked whether any of the incidents reported had ended

in prosecution. The objector advised the Committee that he did not have that information. A member asked if there had been any complaints from neighbouring businesses. The objector advised that complaints were made by both businesses.

The Officer representing the Licensing Authority, the Applicant's representative objector was all given the opportunity to sum up their respective cases.

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

RESOLVED:

The Licensing Sub-Committee, having regard to all the relevant and material issues and facts in the circumstances, and having considered all the submissions made refused the application for a premises licence.

#### Reasons for the Decision

The Committee was of the view that the four licensing objectives were not met. This was based on the representations made on behalf of the Applicant and the information contained in the application itself.

In particular, the lack of CCTV facilities/installation, lack of fire risk assessment as no fire risk assessment was submitted and no radio contact facility and/or a member of the Pubwatch Scheme.

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CHAIRMAN