

CANNOCK CHASE COUNCIL

LICENSING SUB-COMMITTEE

HELD IN THE CIVIC CENTRE TUESDAY 15 FEBRUARY 2011 AT 10.00 AM

DECISION NOTICE

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Ansell, Mrs. P.A. Grice, Mrs. D.

Representatives for the Licence Holders:

Mr Baljit Singh Basi (Premises Licence Holder – "Bazda Price")

Mr. P. Burke (Solicitor, Cavan Martin Associates)

Responsible Authority Representation:

PC S Williams (Southern Licensing Unit, Staffordshire Police)

PC N. Bills (Licensing Officer, Southern Licensing Unit, Staffordshire Police)

Representing the Licensing Authority:

Mrs K. Sulway (Environmental Protection Manager, Cannock Chase Council)

Mr. S. O'Meara (Senior Licensing Officer, Cannock Chase Council)

Solicitors advising Committee:

Miss J. Uppal Locum Lawyer

Secretary to the Committee:

Mrs.C. Bowker Senior Committee Officer

Interested Parties:

Ms D. Powell Community Safety Officer, Staffordshire County Council Trading Standards

The officer of the Licensing Authority presented the report in respect of this matter. She outlined the relevant issues for consideration by Members. She advised that Staffordshire Police ('The Applicant') had made an application to the Licensing Authority for a review of the Premises Licence in respect of the 'Bazda Price' on the basis that three of the four licensing objectives - Prevention of Crime & Disorder, Public Safety and the Protection of Children from Harm were being compromised. She explained that the Police were seeking a revocation of the Premise Holder's Licence.

The Licence Holder and those making representations in relation to the application were given

the opportunity to ask questions of the officer from the Licensing authority. The Applicant and their representative were given the opportunity to ask questions of the officer from the Licensing Authority. Members of the Sub-Committee were given the opportunity to ask questions of the officer from the Licensing Authority. The Licence Holder and those making representations in relation to the application were given the opportunity to ask questions of the applicant (Police and their legal representative) and any of the witnesses that they had called. Members of the Sub –Committee were given the opportunity to seek clarification of the Applicant. The Licence Holder was given the opportunity to put their case in the presence of the officer representing the Licensing Authority and the applicant (including their representative) and was given the opportunity to call their witnesses. The Applicant (or their representative) were given the opportunity to seek clarification of anyone making representations. Members of the Sub-Committee were provided with the opportunity to seek clarification of anyone making representations. The Licensing Authority, the Applicant and the Licence Holder were each given the opportunity to sum up their case should they wish to do so. Members then retired to consider their decision.

Decision

That, having considered all the submissions made and having regard to all the circumstances, the Sub Committee unanimously decided that the Premises Licence in relation to 'Bazda Price' is suspended for a period of 3 months upon expiry of the right to lodge an appeal, this being within 21 days from the date of the Decision Notice.

The Sub Committee considered all the evidence presented by the Applicant. Further, the Sub Committee considered the representations made on behalf of the Premises Licence Holder and the Designated Premises Supervisor.

Due regard was given to the four licensing objectives, the Council's Licensing Policy and the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The Sub Committee was satisfied that on the 10th of December 2010 alcohol was sold from the licensed premises 'Bazda Price' to an underage person contrary to licensing legislation and in breach of the licensing objectives. The Sub Committee viewed the matter very seriously however; the Committee did not feel that the matter warranted a complete revocation of the licence **on this occasion**.

The Sub Committee noted that the Licence holder had made provisions not to allow his son to serve at the licensed premises and further the licence holder has made provisions for all members of his staff to undertake appropriate training. The Committee further noted the licence holder's willingness to cooperate with Staffordshire Police in upholding the four licensing objectives.

Signed FWA Allen.....
Cllr Frank Allen
Chairperson – Licensing and Public Protection Committee

Dated: 21 day of March 2011