

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**RE-CONVENED LICENSING SUB-COMMITTEE**  
**HELD ON MONDAY 16 JULY, 2012 AT 1.00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Bernard, J.D.

Grice, Mrs. D.

Licence Holder:

Mr. S. Sriharan

Designated Premises Supervisor

Mrs. T. Sriharan

Representing the Licence Holder:

Mr. Linga, Linga & Co

Responsible Authorities

Mr. M. Wilson, Trading Standards, Staffordshire County Council

Ms. F. Chapman, Trading Standards, Staffordshire County Council

Miss, N. Bills, Licensing Officer, Staffordshire Police

Representing the Licensing Authority:

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

Mrs. K. Sulway, Environmental Health Manager

Mr. D. Prosser-Davies, Food and Safety Manager

Legal Advisor to the Committee:

Mr. S. Turner, Solicitor

Secretary to the Committee:

Mrs. J. Hunt, Senior Committee Officer

Prior to commencement of the hearing the Licence Holder's representative distributed witness statements to those present.

**10. 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.

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

No declarations of interests were received.

**12. Exclusion of the Public**

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in paragraph 2, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).

**CANNOCK CHASE COUNCIL**

**MINUTES OF THE MEETING OF THE**

**RE-CONVENED LICENSING SUB-COMMITTEE**

**HELD ON MONDAY 16 JULY, 2012 AT 1.00 P.M.**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 2**

**13. Licensing Act, 2003 – Application for a Review of a Premises Licence – Bargain Stores (formerly Bargain Booze), 19A Horsefair, Rugeley, Staffs, WS15 2EJ**

Consideration was given to the Not for Publication Report of the Head of Environment Health (Enclosure 5.1 – 5.50 of the Official Minutes of the Council).

The Chairman explained that the meeting had been adjourned from 9 July, 2012 in the interests of justice in order that the Licence Holder could be represented at the hearing by his appointed legal representative.

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure and explained that each party would have an equal amount of time in which to present their case.

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

The Licence Holder was afforded the opportunity of asking questions of the Officer of the Licensing Authority. The Licence Holder's Legal Representative asked questions of the Officer of the Licensing Authority.

The Applicant was then afforded the opportunity of asking questions of the Officer of the Licensing Authority. There being none, Members of the Sub-Committee were also afforded the opportunity of asking questions of the Officer of the Licensing Authority. There being none the Applicant for review was given the opportunity of presenting their case. The Applicant presented their case.

The Licence Holder was then afforded the opportunity to ask questions of the Applicant for review. The Licence Holder's Legal Representative asked questions of the Applicant. Those making representations were then afforded the opportunity of asking questions of the Applicant for review. There being none, Members of the Sub-Committee were then given the opportunity of asking questions of clarification of the Applicant. There being none, the Responsible Authority making representations was asked to put her case.

The Applicant was then afforded the opportunity of asking questions of the Responsible Authority. There being none, the Licence Holder was afforded the opportunity of asking questions of clarification. The Licence Holder's Legal Representative asked questions of the Applicant. Members of the Sub-Committee were afforded the opportunity of asking questions of clarification. There being none, the Licence Holder was then given the opportunity to present his case.

The Applicant was given the opportunity to ask questions of clarification of the Licence Holder.

The Applicant asked questions of the Licence Holder. The Responsible Authority making representations was also given the opportunity of asking questions of the clarification of the Licence Holder. The Responsible Authority asked a number of questions.

At this point the Chairman agreed to adjourn the Sub-Committee hearing for 10 minutes at the request of the Licence Holder's Solicitor (3.00 p.m.).

On the hearing re-convening (3.10 p.m.) and following on from the proceedings, Members of the Committee were then afforded the opportunity of the asking questions. A Member asked a question of the Licence Holder.

The Applicant for review, the Licence Holder and the Responsible Authority were given the opportunity to sum 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, having considered all the submissions made and having regard to all the circumstances, the Premises Licence be revoked.

#### Reasons for the Decision

- i) From the evidence heard, the Committee was satisfied that unsafe and non duty-paid alcohol has been sold at the premises on more than one occasion, and the Committee considered that the premises had been trading irresponsibly.
- ii) The Committee had made this decision in order to protect the public and local residents from the dangers of consuming unsafe alcohol, and in consideration of the licensing objectives relating to Public Safety and the Prevention of Crime and Disorder.
- iii) The Committee was deeply concerned that the Licence Holder and the DPS had allowed dangerous products to be offered for sale to the public and may have exposed the public to health risks.
- iv) It was considered appropriate and proportionate to revoke the Premises Licence because the Licence Holder was responsible for ensuring that the premises complies with the law, and he has allowed the licensing objectives relating to Public Safety and the Prevention of Crime and Disorder to be compromised by making unsafe and non duty-paid alcohol available for sale to the public.
- v) The Committee had regard to the section 182 guidance for the Licensing Act 2003, and to the Council's Statement of Licensing Policy, and considered that the sale of unsafe and non duty-paid alcohol was a matter that should be treated particularly seriously.

---

CHAIRMAN

(The meeting closed at 4.00 p.m.).