

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

WEDNESDAY, 28TH APRIL 2010 AT 10.00 A.M.

PRESENT: Councillors Mrs. R. L. Dent, D. McGrath and L. J. Turner

Officers: Mrs. V. Brown, Mr. J. Davies and Ms. P. Ross

Also in attendance: Mr. D. Crank (Associate, DWF LLP – on behalf of Martins McColl Limited), Ms. K. Brown (Area Manager, Martins McColl Limited), Ms. E. Harris (Store Manager, Martins), Mr. Godsall (Managing Director, Jukes Insurance), Councillor D. Pardoe (Ward Member for Sidemoor)

52/09 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor Mrs. R. Dent be appointed Chairman of the Sub-Committee for the meeting.

53/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

54/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

55/09 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant and other parties present.

The Chairman invited the other parties present to identify themselves, so that the applicant was able to satisfy himself that no person who may be a position to influence the Sub-Committee remained in the room when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman reminded all parties of the procedure to be followed during the Hearing and that those parties present could be represented by a legal representative at their own expense, or by a Ward Councillor.

56/09 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF MARTINS,
65-67 BROAD STREET, BROMSGROVE**

The Sub-Committee was asked to consider an application for a premises licence in respect of Martins, 65-67, Broad Street, Bromsgrove. The application was subject to a Hearing in light of representations which had been made by a local resident and a local business near to the premises. The basis of their representations related to an increase in anti social behaviour, noise nuisance and litter in a residential area.

The Licensing Assistant introduced the report and informed those present that Members of the Sub-Committee had carried out an announced Site Visit to the premises prior to the Hearing.

The case for Martins was then put forward by Mr. D. Crank (Associate, DWF LLP). He explained that Martin McColl Limited would be expanding the store in order to trade as a mini convenience store with additional staffing and that the premises would undergo a refit. He was aware that no representations had been received from any of the Responsible Authorities and that the current manager had not been made aware of any concerns from local residents. Although there was no formal store policy managers would deal with any concerns raised by local residents. Mr. Crank confirmed that the store would operate a 'Challenge 25' policy and not a 'Challenge 21' policy as stated in the application. Mr. Crank responded to questions from Members on the storage and security of alcohol stock and the removal of additional cardboard due to the increase in stock, following which representations were made by Councillor D. Pardoe and Mr. Godsall.

Having had regard to:

- The licensing objectives set out in the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The application and representations made by the Applicant's solicitor
- The relevant representations made in writing and at the hearing by the Interested Parties

RESOLVED that the application for a premises licence for the sale of alcohol for consumption off the premises be granted as follows:

Sale of Alcohol for consumption OFF the premises

- 06:00hrs - 22:00hrs Monday through to Sunday

Actual opening hours of the premises

- 06:00hrs – 22:00hrs Monday through to Sunday

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee had considered the written representations and oral representation made on behalf of the applicant.
- The Sub-Committee had considered the written representations and the oral representations of the Interested Parties and noted the concerns that had been raised with regard to the potential risk of litter and possible anti social behaviour.
- The Sub-Committee noted that no representations had been made by any of the other Responsible Authorities.
- Having visited the property the Sub-Committee noted the large amount of cardboard and empty boxes at the rear of the property and had noted the Applicant's intention to increase the collection of such items.
- The Sub-Committee was re-assured by the Applicant's intention to install CCTV and to operate the "Challenge 25 Policy" as confirmed at the Hearing which was an amendment to the 'Challenge 21 Policy' referred to in the application. It was noted that this included training for all staff and the operation of a "Refusal Book".
- The Sub-Committee had acknowledged the concerns raised by the Interested Parties in relation to the parking and the traffic issues; these however did not fall within the remit of the Licensing Sub Committee.

The following legal advice was given:

- that the Licensing Objectives must be the paramount consideration;
- conditions must be necessary for the promotion of one or more of the licensing objectives; conditions may not be imposed for any other reason;
- that the Sub-Committee may only have regard to the representations which promote the licensing objectives; and
- that the Sub-Committee must consider only those matters directly relevant to the premises.

The Sub-Committee would remind all parties that a Review may be sought by any party, at any time, should evidence of a breach of the licensing objectives occur.

The Chairman reported that the Applicant and Interested Parties would be notified of the decision in writing within 5 working days and that an appeal against the decision could be made to the Magistrates' Court within 21 days.

The meeting closed at 11.47 a.m.

Chairman