

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

FRIDAY 5TH JUNE 2015 AT 10.30 A.M.

PRESENT: Councillors J. M. L. A. Griffiths, P. Lammas and L. J. Turner

Observers: K. J. May (Reserve Member)

Officers: Mrs. V. Brown, Mr. S. Alom and Mrs. P. Ross

Also in attendance: Mr. R. Arnot, Ward Hadaway Law Firm (applicant's representative)

1/15 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor J. M. L. A. Griffiths be appointed Chairman of the Sub-Committee for the meeting.

2/15 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

3/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4/15 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant's representative, so that no person who may be in a position to influence the Sub-Committee withdrew from the meeting room with the Sub-Committee when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman welcomed the applicant's representative and reminded all parties present of the procedure to be followed during the Hearing.

5/15 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF CO-OPERATIVE FOOD, 30 GIBB LANE, CATSHILL, BROMSGROVE, B61 0JR**

The Sub-Committee was asked to consider an application for a premises licence in respect of Co-operative Food, 30 Gibb Lane, Catshill, Bromsgrove, B61 0JR, submitted by Co-operative Food Group Limited.

The application was subject to a Hearing in light of three representations received from members of the public objecting to the application. The basis of their representations related to:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

The Licensing Officer, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed all those present that the application submitted by Co-operative Food Group Limited sought permission to use the premises for the sale by retail of alcohol for consumption off the premises during the following hours:

Every day: 06:00 hours to 23.00 hours.

Members were further informed that no representations had been received from any of the Responsible Authorities.

The case for the applicant was put forward by Mr. R. Arnot, Ward Hadaway Law Firm, the applicant's representative. Mr. Arnot firstly gave apologies on behalf of Mr. J. Wisedale, Local Operations Manager, Co-operative Food Group Limited who had been unable to attend the meeting. Mr. Arnot informed the Sub-Committee that over the last four years he had represented over 200 applications on behalf of the Co-operative Food Group Limited. Mr. Arnot highlighted that the Co-operative Food Group Limited were the fifth largest retailer with over 2,800 stores.

The application before the Sub-Committee was for the sale by retail of alcohol for consumption off the premises and that alcohol sales would represent only 15% of their turnover. The premises would be a convenience store and not a dedicated off licence. The Co-operative Food Group Limited understood their responsibilities in respect of the sale of alcohol. Training managers were responsible for ensuring that all staff undertook comprehensive training and had a clear understanding of all of the Co-operative Food Group Limited policies, with additional responsibilities undertaken by their regional Risk Manager's. Staff also undertook refresher training every two years. Stores operated a 'Challenge 25 Policy' and used comprehensive 'age prompt' tills, which acted as a reminder to staff with regards to the sale of age restricted products.

Members were further reassured that an electronic refusal register was used whereby staff were required to input the perceived age of the customer. This enabled Head Office to analyse the data and identify specific stores who could be experiencing issues with young people attempting to purchase alcohol. The culture of the Co-operative Food Group Limited was to be seen as a local community focused company and very risk averse. They would want to avoid any licence being called in for review or risk prosecution in respect of under-age sales.

The local police officer had been consulted with prior to the application being submitted and confirmed that there had been no issues logged when the site

was used as a public house. No objections to the application had been raised by the police. The local police officer was in favour of a derelict building, which could encourage anti-social behaviour, being put to use. He had even offered to contact the residents who had sent in representations on behalf of the Co-operative Food Group Limited.

Mr Arnot continued to respond to Member's questions with regards to CCTV at the premises, car parking availability and staff training to deal with any conflict.

The Council's Legal Advisor reminded Members of the four licensing objectives and that the representations received with regards to the application were namely:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Members should consider the four licensing objectives, the written representations received from local residents and that no representations had been received from any of the responsible authorities consulted. Members should base their decision on the information presented and the evidence provided. The Sub-Committee should be mindful that the application related to premises yet to be completed and therefore the concerns raised could not be attributed to the application.

Having had regard to:

- The licensing objectives set out on the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The Report presented by the Licensing Officer, Worcestershire Regulatory Services
- The application and representations made at the Hearing by the Applicant's representative, Mr R. Arnot, Ward Hadaway Law Firm
- The written representations made at the Hearing by the three objectors.

The Sub-Committee decided to grant the application for a premises licence relating to Co-operative Food Group, 30 Gibb Lane, Catshill, Bromsgrove, B61 0JR in the terms as set out in the Operating Schedule

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

- The Sub-Committee noted and considered the written and oral representations made by Mr. Arnot, on behalf of the applicant, including his response to the points raised by the objectors in their written representations.
- The Sub-Committee were impressed by the policies and procedures which formed part of the business plan and which they considered would promote the licensing objectives. In particular the Sub-Committee noted the extensive and continuous training provided and also the role of the

Risk Manager who would ensure that the procedures and policies were followed.

- The Sub-Committee considered that the methods by which the applicant controlled the sale of alcohol, as detailed in their application, together with their other standard operating procedures and policies; were such that they had every confidence that the applicant was a responsible organisation that would make every effort to promote the four licensing objectives.
- In considering the information submitted by the other parties, the Sub-Committee noted that no objections had been received from any of the responsible authorities. Mr Arnot, on behalf of the applicant, had contacted the police in advance of the application being submitted and had received written confirmation from them that no objections would be raised and in fact the police officer considered that the premises may reduce the risk of anti-social behaviour.
- Whilst the Sub-Committee were sympathetic to the concerns raised by those who had provided written objections. However, the Sub-Committee was only able to take account of evidence that could be directly attributed to these particular premises. As this premises had yet to open it was difficult to attribute the concerns raised to the sale of alcohol at the premises.
- It was noted that the premises had previously been a public house and the application now being considered was for off sales only.
- The Sub-Committee was also mindful of the review process that applied to any premises that failed to promote the licensing objectives and the ability of any party to bring the licence before the Sub-Committee should evidence be obtained to prove that the premises was failing to meet its obligations.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration;
- That the Sub-Committee may only have regard to the representations which promote the four licensing objectives; and
- The Sub-Committee must consider only those matters directly relevant to the premises under consideration and only those matters that fall under the licensing committee's remit.
- If having granted the premises licence and problems do occur then the licence can be brought back before a Sub-Committee to seek a review of the decision.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.

The meeting closed at 11.45 a.m.

Chairman