

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

WEDNESDAY, 4TH JUNE 2008 AT 10.00 A.M.

PRESENT: Councillors D. Hancox, Mrs. M. A. Sherrey JP and Ms. J. A. Marshall

Officers: Mrs. S. Sellers, Mrs. S. Smith and Ms. D. Parker-Jones

Also in attendance: Ms. L. Williams, Solicitor for Midcounties Co-operative Society; Mr. O. Moseley, Head of Operations for CTN Group of Stores and temporary Designated Premises Supervisor for the premises; Mrs. P. Harris (Wythall Parish Council), Councillor S. Peters (local Ward Councillor and on behalf of Wythall Residents Association); and County Councillor W. Stewart (Representative for Wythall Division)

1/08 **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor D. Hancox be appointed Chairman of the meeting.

2/08 **APOLOGIES FOR ABSENCE**

Whilst no apologies for absence were received the Chairman advised that, subsequent to issuance of the agenda papers, it had been ascertained that Councillor S. P. Shannon had a prejudicial interest in the application under consideration and that he had, therefore, withdrawn from the membership of the Sub-Committee. Councillor Ms. J. A. Marshall replaced Councillor Shannon on the Sub-Committee.

3/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4/08 **PROCEDURE**

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

The Chairman invited the other parties to identify themselves, so that the applicant and/or the interested parties were able to satisfy themselves that no person who may be in 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 at the Hearing and that the parties could be represented by a legal representative at their own expense, or by a Ward Councillor.

5/08

APPLICATION FOR A PREMISES LICENCE - NEWS EXPRESS, MAY LANE, HOLLYWOOD

The Sub-Committee was asked to consider an application for a premises licence in respect of News Express, 61 May Lane, Hollywood. The application was subject to a Hearing in the light of representations which had been received from eight residents living near to the premises, as well as Wythall Residents Association and Wythall Parish Council. The basis of the representations related to potential increased anti-social behaviour in the area associated with the ability to purchase alcohol from the premises till 11.00 p.m. No representations had been received from any of the Responsible Authorities.

The Principal Licensing Officer introduced the report and, in doing so, advised that a request had been made from County Councillor Mr. W. Stewart (Representative for Wythall Division) for consideration of a late representation against the application. In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005 all parties present agreed to the acceptance of the late representation, a copy of which was circulated. Ms. L. Williams and Mr. O. Moseley then put forward the case for the applicant, following which representations were made by Ms. P. Harris, Councillor S. Peters and County Councillor W. Stewart.

Having listened to the representations made by the Interested Parties, Ms. Williams advised that the Applicant was prepared to amend the hours for the sale of alcohol from 7.00 a.m. to 11.00 p.m. to 9.00 a.m. to 8.00 p.m., Monday to Sunday.

Having 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 on behalf of the applicant; and
- the relevant representations made by Interested Parties, the Sub-Committee

RESOLVED

that the application for the retail sale of alcohol for the amended hours applied for from 9.00 a.m. to 8.00 p.m. Monday to Sunday be granted.

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

1. the Committee listened to the comments of the interested parties regarding the potential for an increase in anti social behaviour. However in this regard it took into account:
 - that the police had not made any representations to oppose the application;

- that none of the other responsible authorities had made any representations to oppose the application; and
 - that although incidents had been referred to by the interested parties these appeared to have been largely historical; and
2. that the Applicant had, in response to the comments of the interested parties, amended the application at the Hearing to reduce the hours of selling alcohol from 7.00 a.m. to 11.00 p.m. to 9.00 a.m. to 8.00 p.m. Further, that it had been stated by the Applicant that procedures would be in place to prevent underage drinking and that alcopops would not be sold.

The following legal advice was given:

- that the comments made by County Councillor Stewart regarding the police not making representations were to be disregarded;
- that the argument put forward of there being no “need” for an additional retail outlet selling alcohol in the area was not an applicable consideration under the Licensing Act; and
- that the existence of an alcohol free zone covering May Lane did not affect the legal considerations when considering an application for a premises licence.

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 11.43 a.m.

Chairman