

Licensing Sub-Committee

12th August 2013

MINUTES

Sub-Committee Members Present:

Councillor Phil Mould (Chair) and Councillors Michael Chalk and Pattie Hill

Officers:

K Barnett (Litigation Solicitor, Legal Services)
D Etheridge (Senior Licensing Practitioner)
P Ross (Democratic Services Officer)

Applicant's Side:

Mr D Carr and Ms J. Taylor, Representatives of the Applicant
Mrs A Grabowska-Galas, Applicant

Also in attendance:

Mrs J Davis, Objector

1. CHAIR'S WELCOME

The Chair opened the Hearing and introduced Members of the Sub-Committee and Officers present.

The Chairman invited all those parties present to identify themselves.

2. APOLOGIES

Apologies for absence were received on behalf of Councillor Gay Hopkins. Councillor Michael Chalk attended the meeting as a substitute in place of Councillor Hopkins.

3. DECLARATIONS

There were no declarations of interest.

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Chair

4. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - 28 MOUNT PLEASANT, REDDITCH, B97 4JA

The Sub-Committee was asked to consider an application for a new premises licence made by Mrs Agnieszka Grabowska-Galas to sell alcohol for consumption off the premises at 28 Mount Pleasant, Redditch, B97 4JA. The application was subject to a hearing in light of five representations received from local residents and businesses. The basis of their representations related primarily to anti-social behaviour, parking, crime and disorder, public safety and the number of existing licensed premises in the area.

The Senior Licensing Practitioner introduced the report and in doing so informed the Sub-Committee that no representations had been made by any of the Responsible Authorities consulted.

Mr Dean Carr, Personal Licence Training Limited, representative of the applicant, presented the case in support of his client's application. He informed the Sub-Committee that the applicant would be opening the premises primarily as a convenience store for local Polish residents and highlighted that only 10% of the stock would be alcohol. His client had, as detailed on page 23 of the report, detailed the steps she would take to promote the four licensing objectives, which included implementing a Challenge 25 policy. Mr Carr further informed Members that his client held a Level 3 Personal Licence Holders Award.

Mrs Agnieszka Grabowska-Galas, the applicant, responded to Members' questions and in doing so informed Members that she lived locally and initially both she and her husband would run the premises for a few months, then dependant on sales, look to take on two or more staff members. She had recently received Risk Assessment Training through her current employer.

At the invitation of the Chair, Mrs Jessica Davis, Reddibooze, addressed the Sub-Committee. She expressed her concerns with regard to the number of licensed premises already in close proximity, currently five, with a further premises licence application submitted to the Council. She had concerns with increased parking and congestion if an additional premises was opened and an increase in anti-social behaviour.

All parties then had the opportunity to sum up their cases. Mr Carr when summing up offered a voluntary condition to the Operating Schedule in order to address any concerns with potential litter issues. He also informed Members that as stated earlier by the

Senior Licensing Practitioner no representations had been received from any of the Responsible Authorities.

Having had regard to:

- the Licensing Objectives;
- guidance issued under section 182 of the Licensing Act 2003;
- the Borough Council's Statement of Licensing Policy;
- the Application made by the Applicant, and the oral representation made by the Applicant's representative Mr Dean Carr;
- the representations made by the interested parties in writing and at the hearing by Mrs Jessica Davis

the Sub-Committee RESOLVED that the application for a premises license for 28 Mount Pleasant, Redditch, B97 4JA be GRANTED in the terms as set out in the Operating Schedule, as amended by the applicant during the hearing, to include:

- **that the applicant would ensure that the front of the premises was kept clean and free from litter and would provide at least one litter bin for public use**

Whilst the Sub-Committee had considered both the written and oral representations received from local residents and businesses with regard to concerns in respect of:

- **anti-social behaviour**
- **parking disruption**
- **crime and disorder**
- **public safety**
- **the number of licensed premises in the area**

The Sub-Committee felt that any existing problems cannot be regarded as the responsibility of the applicant and there was no firm evidence to suggest that the grant of a licence to the applicant would add, in any significant way, to any such problems that were currently experienced.

Sub-Committee Members had had to disregard the representations raised that fell outside of the licensing objectives and the current licensing policy, namely parking and the number of licensed premises in the area; and have only had regard to the representations which promote the licensing objectives relevant to the premises.

The Sub-Committee was mindful that a Review of the licence would be possible should problems occur in the future.

The following legal advice had been 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**
- **that the Sub-Committee must consider only those matters directly relevant to the premises.**

The Meeting commenced at 7.00 pm
and closed at 7.45 pm