

Licensing

Sub-Committee

18th September 2013

MINUTES

Sub-Committee members Present:

Councillor Phil Mould (Chair) and Councillor Alan Mason (Vice-Chair) and Pattie Hill

Officers:

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

Applicant's Side:

Mrs V Rimele, Applicant
Mr Rimeles, Applicant's husband

1. CHAIR'S WELCOME

The Chair opened the meeting and introduced the members of the Sub-Committee and Officers present.

The Chairman invited all those parties present to identify themselves.

2. APOLOGIES

There were no apologies for absence.

3. DECLARATIONS

There were no declarations of interest.

4. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - 209 MOUNT PLEASANT, REDDITCH, B97 4JG

The Sub-Committee was asked to consider an application for a new premises licence made by Mrs Viktorija Rimele to sell alcohol for consumption off the premises at 209 Mount Pleasant, Redditch, B97 4JG. The application was subject to a hearing in light of a representation being received from a local resident. The representation related primarily to parking, anti-social behaviour and the number of existing licensed premises in the area.

The Senior Licensing Practitioner introduced the report and in doing so reminded the Sub-Committee of its obligation to determine the application with a view to the promotion of the four licensing objectives.

Mrs Viktorija Rimele, the applicant, spoke in support of her application. She informed the Sub-Committee that she had been trading at 209 Mount Pleasant since August 2013, and in that time had experienced no problems relating to public nuisance or inconsiderate parking. In connection with the collection of refuse, it was stated that the trading hours of the store started at 10.00am which was some time after the refuse vehicles had passed. Mrs Rimele added that she had considered remaining open until 11.00pm but, following the representation from the local resident, had chosen to retain her existing 9.00pm closing time. Mrs Rimele informed the Sub-Committee that she was trading as a grocery store and wished to expand the range of goods to include a limited selection of alcohol.

Mrs Rimele outlined the steps that would be taken to maintain good order, including not serving under-age customers and the installation of security cameras. It was added that the core activity would continue to be that of a small convenience store. Mrs Rimele advised that she was the only full-time member of staff at present, although her husband, Mr Rimeles, had now begun working in the store at weekends and she was considering employing a further staff member. She was also considering having shutters installed on the shop windows. Mrs Rimele stated that there was not a litter problem outside the shop and she took steps to maintain the cleanliness of the area to the front of the premises.

In the absence of the local resident who had made representation in connection with the application, the Chair asked the Members present whether they had had the opportunity to consider the contents of her letter of objection and they confirmed that they had.

The parties then had the opportunity to sum up. Mrs Rimele reiterated that her shop was simply a small convenience store which wished to have one shelf of alcoholic beverages on display. As a business which was just starting out she and her husband were responding to the demands of the customer base.

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 representations made by the Applicant and her husband at the hearing; and
- the representations made by the interested party in writing

the Sub-Committee RESOLVED that

the application for a premises licence for 209 Mount Pleasant, Redditch, B97 4JG, be GRANTED in the terms as set out in the Operating Schedule (such conditions to be subject to clarification for the purposes of compliance) with the standard Mandatory Conditions as attached to the report.

Whilst the Sub-Committee had considered the written representation received from a local resident with regard to concerns in respect of:

- anti-social behaviour
- parking
- the number of licensed premises in the area

the Sub-Committee felt that any existing problems could not 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 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 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.

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The Meeting commenced at 7.00 pm
and closed at 7.30 pm