

LICENSING SUB COMMITTEE

Virtual Meeting held on Friday, 11th December, 2020 at 11.00 am

Present: Councillor Warren Nuttall in the Chair;

Councillors Rachel Madden, Caroline Wilkinson
and John Wilmott.

Officers Present: Julian Alison, Lynn Cain, Mike Joy, Joanne Lindley
and Shane Wright.

LSC.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

LSC.2 Hearing for Application for a New Premises Licence: The First Post, 16 Brook Street, Sutton in Ashfield

The Chairman introduced himself and asked the Committee Members, Officers and those parties present to introduce themselves.

In attendance were the following:

Saeed Rafique (Trebor Deeas Ltd) (Applicant)
Walaiti Rathore (Applicant's Representative)
Paul Horton (Nottinghamshire Police - Responsible Authority)
Catherine Ansty (Nottinghamshire Police - Responsible Authority)
Inspector Mark Dickson (Nottinghamshire Police - Responsible Authority)
Adeel Zafar (Nottinghamshire Police - Responsible Authority)

The Council's Legal Representative explained the procedure to be followed throughout the hearing.

The Licensing Enforcement Officer then proceeded to outline the application for a Premises Licence.

The Chairman then invited the Applicant's Representative to put forward the Applicant's case to the Sub Committee. In doing so, the Applicant's Representative advised the Sub Committee that agreement had already been reached between the Applicant and the Police as to additional conditions to be placed on the premise licence. To that end, the presentation of case was a condensed version on the understanding that all parties were now in agreement to the conditions of the premise licence.

Following this and in accordance with adopted procedure, the Responsible Authorities, Sub-Committee Members and Legal Officer were given the opportunity to ask questions of the Applicant's Representative for the purposes of clarity and further explanation.

Ashfield District Council and Nottinghamshire Police, as Responsible Authorities, were then invited to put forward their representations. Both parties confirmed that agreement had already been reached in relation to the additional conditions to be added to the premise licence.

Following this and in accordance with adopted procedure the Applicant's Representative, the Sub Committee Members and Legal Officer were given the opportunity to ask questions of the Responsible Authorities for the purposes of clarity and further explanation.

Finally, the Chairman invited the Applicant's Representative and the Responsible Authorities Parties to sum up their respective cases.

The Chairman and Members of the Sub Committee then withdrew from the hearing in order to deliberate upon the application and representations made in respect of it.

The hearing was adjourned at 11.50am.

The Chairman and Sub Committee Members subsequently returned to the room and the hearing reconvened at 12.10pm.

The Legal Officer delivered the Sub Committee's findings, the decision and the reason as follows:-

RESOLVED

that the decision of the Licensing Sub Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority), was to:

Grant the application for a premises licence as amended:

All licensable activities applied for: 09:00 – 00:00

All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day (i.e. 00:00 – 09:00

Opening hours: 09:00 – 00:30

On New Year's Eve the premises to be permitted to remain open until the standard opening time on New Year's Day.

Subject to the following:

- A. The mandatory conditions applicable under the Licensing Act 2003; and
- B. The following conditions put forward by the Applicant following consultation with the Responsible Authorities in the Revised Operating Schedule:

1. A CCTV system with recording equipment shall be installed prior to the premises carrying out licensable activities and maintained in accordance with the system. It shall be recording at all times the premises is open to the public.

All recordings used in conjunction with CCTV shall:

1. be of evidential quality
 2. Cover the point of sale, outside area and entrance and exit
 3. indicate the time and date
 4. be retained for a period of 31 days
 5. Sufficient staff will be trained to use the system
 6. The original images will be made available for inspection immediately upon the request of Police officers, or other authorised officers.
 7. Copies of recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.
2. All members of staff engaged in the sale of alcohol, except personal licence holders, shall be trained in the retail sale of alcohol. The training shall be ongoing and each relevant member of staff shall be reviewed every six months. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months.
3. A bound and sequentially paginated incident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be retained at the premises for at least 12 months.
4. No customers carrying open bottles upon entry shall be admitted to the premise at any time the premise is open to the public.
5. Alcoholic and other drinks may not be removed from the premise in open containers save for consumption in any external area provided for that purpose.
6. A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. passport, driving licence, Military ID or PASS accredited card). Challenge 21 notices shall be displayed in prominent positions throughout the premises.
7. A soft closing system shall be fitted to the main entrance.

Reasons

The Sub-Committee's reasoning behind its decision was based on it being satisfied that:

1. The granting of a premises licence with conditions supports the licensing objectives.
2. Granting a premises licence with conditions allows the licensing authority to exercise more control over the premises and addresses the concerns raised by the interested party and responsible authorities.
3. Licensing law is not the primary mechanism for the general control of anti-social behaviour but rather a part of a holistic approach to the management of the District.
4. There are other mechanisms available and in place for controlling problems of anti-social behaviour and/or public nuisance in the area.
5. If an Interested Party feels that the license cannot be, or is not being, adhered to, or that the Licensing Objectives are being undermined in any way, an application can be made to the Licensing Authority for the license to be reviewed. At a review hearing it is open to the Licensing Authority to impose additional conditions on the Licence or to revoke the Licence if necessary.

The Sub-Committee considered all the evidence carefully including the representations made by the Applicant, Responsible Authorities and Interested Party. The Sub-Committee took into account the District's Licensing Policy, the Secretary of State's Guidance issued under s182 of the Licensing Act 2003, the Human Rights Act and the four licensing objectives, namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Each objective being of equal importance.

Appeal

The parties to the hearing were reminded that there is a right to appeal against the Sub-Committee's decision, by way of the Nottingham Magistrates Court (address below), exercisable within 21 days of receipt of this notification.

The meeting closed at 12.15 pm

Chairman.