



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	6c
18 th December 2013	Public

MINUTES OF THE LICENSING ACT SUB-COMMITTEE MEETING HELD ON WEDNESDAY, 9TH OCTOBER 2013 IN THE COUNCIL CHAMBER, CASTLE VIEW, OSWESTRY

10:00 a.m. – 11.30 a.m.

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Councillors: Peter Adams
Peter Cherrington
Keith Roberts

1. ELECTION OF CHAIRMAN

RESOLVED:

That Councillor Peter Adams be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

2. DISCLOSABLE PECUNIARY INTERESTS

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate

Councillor Keith Roberts stated that as a retired police officer he knew the representatives present from West Mercia Police.

Councillor Peter Cherrington stated that he was a resident of Oswestry Town Centre.

3. APPLICATION FOR A PREMISES LICENCE

Consideration was given to an application for a Premises Licence in respect of Wots Cookin, 24 Willow Street, Oswestry, SY11 1AD.

Mr C. Gordon (Solicitor – Shropshire Council), Mr and Mrs Morris (The Applicant); Inspector Amrik Klair (West Mercia Police), Sergeant S Barnes (West Mercia Police), PC E Bates (Witness - West Mercia Police), Mrs Joyce Barrow (Witness for the Applicant), Mr Paul Milner (Witness for West Mercia Police) and Mrs Kate Roberts (Public Protection Officer - Specialist) were present.

Inspector Klair requested permission to show footage taken in Willow Street, Oswestry by PC Bates, to put into context the nature of the night time economy West Mercia Police were currently policing. The Council's Solicitor advised the Sub-Committee that because the footage was not attributable to the applicant or the premises it would not be appropriate for the Sub-Committee to view the footage. The Sub-Committee agreed that as experienced members of the Licensing Act Sub-Committee they were familiar with the night time economies of towns within Shropshire and agreed that viewing the footage was not necessary.

Mr and Mrs Morris (Applicant) presented their case to the Sub-Committee explaining that Wots Cookin was a family run business established 40 years ago. The current economic climate and the opening of other fast food takeaways within Oswestry had meant that they needed to ensure the continued profitability of the business. They commented that during the last period of economic difficulty, several years ago they had opened until 2.00 a.m. without any problems.

The Chairman invited Mrs Joyce Barrow (witness for the applicant) to address the Sub-Committee. Mrs Barrow stated that Wots Cookin was a well run, family business. The premises was spotless inside and out and felt that it would be unfair to penalise the business or to place any extra financial burden on the owners, by requiring them to employ Security Industry Association (SIA) door staff.

The Chairman invited Oswestry Town Councillor Paul Milner (Witness for West Mercia Police) to address the Sub-Committee. Mr Milner explained that he had been asked by West Mercia Police to provide an account of the litter problems within the area, photographs taken by Mr Milner had previously been circulated to the Sub-Committee and were circulated again.

In response to questions from Inspector Klair, Mr Milner confirmed that the photographs were an accurate reflection of an average night in Willow Street, Oswestry and it was usual to find boxes from a neighbouring fast food outlet littering the area.

In response to Mr Milner's comments and questions raised by Inspector Klair the applicant confirmed that;

- They would ensure that all litter was picked up by them personally and had already offered two conditions in relation to litter.

- There had been few incidents of anti social behaviour to report, however the premises was fitted with a panic alarm which gave peace of mind to their staff when working without the owners on the premises;
- If their application was granted they would be working during the night time and if an incident was to occur it would be dealt with through negotiation or as a last resort the panic alarm would be pressed;
- They were not prepared to accept the condition proposed by West Mercia Police to employ two Security Industry Association (SIA) door staff if a problem arose, as this would impose additional costs and mean that opening for the extended hours would no longer be profitable;
- They would accept a condition to review the licence in 12 months time, should there be any incidents and once the profitability of the additional opening hours was assessed;
- They currently kept their CCTV recordings for 2 weeks;
- They were prepared to have additional CCTV coverage for the front of the premises; and
- A Fire Risk Assessment was in place and available for inspection on demand;

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period one relevant representation had been made to the Licensing Authority.

The Chairman invited the representative of West Mercia Police to present his case and call any witnesses.

Inspector Klair called PC Bates as a witness. PC Bates gave a description of a typical Saturday night within the Willow Street hotspot area of Oswestry and the type of policing work undertaken.

Inspector Klair requested permission to circulate a copy of the slides that had previously been sent to all parties. The purpose of the slides was to put into context the wider issues that West Mercia Police were currently dealing with within Oswestry Town Centre. The slides showing data covering a two year period of incidents and hotspots within Oswestry Town Centre were circulated to the Sub-Committee.

Inspector Klair explained that an unconditional extension of opening hours would add further to the cumulative impact in an area which already caused the highest level of crime and disorder within Oswestry town centre. Inspector Klair explained that the police were working alongside other agencies to try to address the issues surrounding crime and antisocial behaviour within the

night time economy of Oswestry. A condition to ensure that SIA door staff were employed on the premises for the additional opening hours would address his concerns and up hold the licensing objective in relation to the prevention of crime and disorder.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11.07 a.m. and reconvened at 11.30 a.m. to announce their decision.

RESOLVED:

That the application for a premises licence for Wots Cookin, 24 Willow Street, Oswestry, SY11 1AD, be granted with the following additional conditions;

Crime and Disorder

1. CCTV will have coverage both inside and outside the premises. Records to be available for 28 days.

Public Safety

2. Fire Risk Assessment to be in place and regularly updated and shall be made available for inspection on demand.

Public Nuisance

3. Litter to be cleared up as required and at closing time daily.

The Sub-Committee noted that the applicant would assess the risk and engage SIA staff as and when required.

Reasons: The Sub-Committee had read and considered all the relevant papers and the written representations received from interested parties and considered the oral submissions of the applicant. Members saw no reason why the application should not be granted. The matters set out in the operating schedule were to be made conditions on the licence (the wording to be set by the Team Manager Operational Community Safety). The setting of these conditions was an appropriate and proportionate measure to take for the furtherance of the licensing objectives.