

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 16 March 2015

10.00 - 11.31 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

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Present

Councillors Andrew Davies, Vivienne Parry and Keith Roberts

28 Election of Chairman

RESOLVED:

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

29 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 he was a retired police officer, claiming a police pension and had previously worked with Inspector Amrik Klair and his colleagues.

30 Application for a Premises Licence - Kwang Tung, 2 Beatrice Street, Oswestry, Shropshire, SY11 1QG

Consideration was given to an application for a Premises Licence in respect of Kwang Tung, 2 Beatrice Street, Oswestry, Shropshire.

Ms. Louise Prince (Solicitor – Shropshire Council); Mr S. Ditton (Public Protection Officer (Specialist) - Shropshire Council); Ms Sally Jones (Public Protection Officer (Professional) – Shropshire Council) Mrs Mee Fong Lau (Applicant); Mr Niu Chen (Interpreter); Inspector Amrik Klair and Sergeant Scott Barnes (West Mercia Police) were present.

Mrs Mee Fong Lau (Applicant) presented her case to the Sub-Committee, stating that the reason she was applying for the Licence to sell alcohol was to increase the profitability of the business. The intention was to sell cans of lager only and they would not sell strong alcohol such as wine or spirits. She had misunderstood some of the questions on the application form due to her limited understanding of the English language. She would ensure that all staff were fully trained before selling alcohol and she did not intend to employ security guards at the premises. On the application form, she had incorrectly stated a closing time of 00:15 when in fact the

premises would close at 23:00. The applicant explained the steps she intended to take to uphold the licencing objectives, which included increased lighting in certain areas of the premises, increased signage and refusing to sell alcohol to individuals who had clearly already been drinking.

In response to questions from the Public Protection Officer (Specialist and Professional), West Mercia Police and Members of the Sub-Committee the applicant confirmed that:

- She currently held a Personal Licence;
- Last orders would be taken at 23:00 hours, with the expectation of completing the order and closing at 23:15 approximately;
- No alcohol would be served past 23:00;
- There were usually three members of staff working during weekdays and four members of staff at the weekend, all were aged in their 30's;
- Staff would be fully trained and she would be happy to implement a Challenge 25 Policy;
- If conflict arose as a result of refusal to sell alcohol, they would attempt to deal with the situation themselves in the first instance but would call the police, if they were unable to resolve the situation or if it worsened;
- Alcohol could only be purchased with a food order and would not be handed over to the customer until the food order was ready, this would ensure that customers were not able to drink within the premises; and
- The alcoholic drinks would be stored in a refrigerator kept behind the counter.

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 relevant representations had been received.

The Chairman invited the other interested parties to address the Sub-Committee.

Sergeant Scott Barnes on behalf of West Mercia Police addressed the Sub-Committee, noting that additional information had been presented by the applicant during the hearing and since the original application had been submitted. However concern still remained as the applicant had not fully stated how she intended to deal with any conflict that might arise on the premises, or how refusals would be managed. From the information given, it seemed that the applicant would be relying on the Police to manage these aspects.

In response to questions from members of the Sub-Committee, Sergeant Barnes and Inspector Klair confirmed that:

- It was not possible to estimate how long it would take police assistance to reach the premises, in response to an incident as it would depend on what other things were happening in the area at that time;
- Colour, digital CCTV would be required in the premises;
- There were no recorded incidents at or in the vicinity of the premises;
- They might have been less concerned if the premise were selling wines rather than lager;

- Oswestry generally had high levels of violence and disorder on the streets during the night time and this application, if granted would add to the problems in that area; and
- They did not think that the sale of alcohol would increase the profitability of the business.

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 11.17 a.m. and reconvened at 11.29 a.m. to announce their decision.

RESOLVED:

That the application for a premises licence for Kwang Tung, 2 Beatrice Street, Oswestry be granted for the following days, hours and licensable activity:

Provision of Late Night Refreshment – (Off Premises)

Wednesday to Monday 23:00 – 23:15

Opening Hours

Wednesday to Monday 16:00 – 23:15

That the application for the licensable activity of the Supply of Alcohol off the Premises, be refused.

Reasons: The Sub-Committee had read and considered all the relevant papers and the written representations received from all parties and considered the oral submissions of the applicant. The Sub-Committee considered that in relation to the Supply of Alcohol, the operating schedule provided and the oral submissions made by the applicant had failed to demonstrate that the Licensing Objectives in relation to the prevention of crime and disorder and the protection of children from harm would be promoted if the licence was granted. The Sub-Committee felt that the applicant did not have a full understanding of what was required in order to promote those Licensing Objectives. The Sub-Committee had concerns regarding the applicant's lack of experience of alcohol sales together with the relatively short time they had been running the takeaway business. The Sub-Committee were also concerned that the applicants limited English could cause problems with communication, in particular if customers who had been drinking alcohol visited the premises. Further, the Sub-Committee were not satisfied that the applicant had fully considered how they would deal with potential disturbances that may occur at the premises or the staff training that would be required in relation to the sale of alcohol.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.