

# LICENSING AND CONSENTS APPEALS COMMITTEE

8 JULY 2019

## PRESENT:

Councillors Salter (Chairman), Evans, and Leytham

Also Present:

Rachel Maddocks (Solicitor for the Panel)

Sarah Bradley (Senior Licensing Officer)

Carol Hames (Licensing Assistant)

Lesley Bennet (Democratic and Legal Services Administrative Officer)

Nigel Poole (Applicant)

## 1 APOLOGIES FOR ABSENCE

There were no apologies

## 2 DECLARATIONS OF INTERESTS

There were no declarations of interests

## 3 LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE FOR LAKESIDE BISTRO, BEACON PARK, LICHFIELD

The Licensing Sub-Committee carefully considered all the written paperwork, including the letters of objection, before them and also listened carefully to all oral submissions made. They took into account all relevant considerations, including the licensing objectives and also had regard to the Licensing Authority's Statement of Licensing Policy, to the statutory guidance produced pursuant to section 182 of the Licensing Act 2003 (the Act), to the Act itself and to considerations under the Human Rights Act 1990.

### Decision

To grant the application for a premises licence in the terms sought subject to the mandatory conditions, the additional conditions offered by the Applicant as amended by the Sub-Committee and to the conditions imposed by the Sub-Committee in the interests of the protection of children from harm and public safety, which are:

- CCTV must be installed and operating correctly to manufacturer's instructions internally and externally and must cover all public areas where licensable activity takes place whilst the premises is open to the public. This must include all areas that smokers are allowed to congregate. The picture must be clear enough to identify people's facial features

The time and date must be set to the correct time relating to BST/GMT

A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information requested by the Police or Responsible Authority

All CCTV images must be retained for a period of not less than 31 days and any evidential incidents must be downloaded and stored in a secure system until such time as collected by an appropriate authority.

- Clear signage must be displayed at all entrance and exits indicating that CCTV is in operation.
- An incident register of all occurrences and ejections from the premises must be maintained at the premises and any details of any incidents of crime or disorder or misuse of drugs offences must be recorded. The register must be produced and made available at the time of the visit for inspection upon request by any responsible authority.
- All persons involved in the sale of alcohol who are not the holder of a Personal Licence to sell alcohol must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol. Such training must be recorded and up to date training records of all such persons must be maintained at the premises and produced and made available for inspection at the time of the visit by a responsible authority. There must be twelve months records retained.
- Both initial and subsequent refresher training in relation to the sale of age restricted products must contain a written test to be undertaken by the staff member and this record must be signed and dated by both the member of staff and the designated premises supervisor.
- The register must be kept fully updated at all times and remain at the licensed premises and be available for inspection at the time of the visit by any Responsible Authority.
- No persons will be permitted to take any opened vessels containing any alcoholic/non alcoholic drinks from the boundaries of the premises. All glasses and bottles must be removed from the public areas as soon as reasonably practicable after they are finished with or are empty
- The premises must operate a Challenge 25 policy and all staff must receive training in relation to the scheme. The only acceptable forms of identification being a passport or photo card driving licence bearing a holographic mark or other form of identification bearing the customers photograph , date of birth and the proof of age standard scheme (or similarly accredited scheme) hologram.
- Challenge 25 signage must be displayed at the entrance to the premises and at the cash till payment areas.
- A refusals register with details of all refusals must be maintained at the premises. The register must contain details of the staff member refusing the sale and must be checked on a monthly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.
- The refusals register whether paper or electronic must be produced and made available for inspection at the time of the visit by any Responsible Authority.

### **Reasons for decision**

Members heard that the Applicant runs a bistro selling light meals and snacks in Beacon Park. He seeks to enhance his offering to the public by the ability to offer wines, ciders, lagers and beers for sale. He has no intention to sell spirits or draught beers. The hours are modest as

he seeks a premises licence for the hours of 11am to 6pm only. He indicated that the opening hours would be shorter in the winter, the premises generally closes at 6.30pm.

The Sub-Committee heard that his clientele currently comprises parents with young children who come to enjoy a snack when children are enjoying the adjacent play equipment and people walking in the park. People generally stay for approximately one hour. The members of the sub-committee acknowledged the concerns raised by members of the public about the proximity of alcohol sales to the children's playground. They heard from the Applicant and were impressed by the consideration he had given to how he would manage the risks that this posed.

The business model he laid before members included employing experienced staff, providing adequate training for both experienced and more junior and part-time staff. He acknowledged that he had part-time staff who were not yet 18 and who, whilst they would not serve alcohol, needed training with regard to this. His operating model included selling drinks in disposable glasses or cups (not glass) or cans and requiring customers to drink it on the premises. When asked by members, he confirmed he could not conceive the establishment becoming a haunt for afternoon drinkers: the business model sought to capture occasional, recreational drinkers and the alcohol was likely to be too expensive for determined drinkers. The staff would be trained not to sell to inebriated people. If issues arose, he would seek assistance from the Park Rangers or, if necessary, the Police. He was also a member of the Business Improvement District (BID) and would seek to obtain radio contact equipment in the event that the application was successful.

He acknowledged the problems associated with underage drinking although did not consider that the premises attracted a teenage clientele at the current time. He acknowledged the need for training of staff and the maintenance of a refusals register to assist with this.

Members noted that the application is for an on-licence only and therefore all consumption should be on the premises. They remained concerned that there may be customers who attempted to take the alcohol away and this may lead to issues of public safety, especially given the proximity of the playground. The Applicant confirmed that drinks would generally be served in disposable vessels and that the premises would be monitored, both physically by staff, and by CCTV.

When making their decision, members balanced the interests of the Premises in being able to run a thriving business against the risk of harm to children and the risk of issues of public safety or antisocial behaviour resulting from the application. They considered the objections and felt that there was weight in the objections. However, they also noted that Beacon Park is a public park into which the public can enter with alcohol bought from supermarkets or other establishments. There are a number of establishments selling alcohol within the vicinity. There is already some (although fortunately little) anecdotal evidence of anti-social behaviour associated with misuse of alcohol in the Park. There is a regime of the Park being patrolled by Park Rangers. However, the members considered that, managed properly and with the addition of the conditions, there was no increased risk to children or to public safety from the granting of the Licence than currently existed in Beacon Park. They considered the conditions offered by the Applicant at section 18 of his application, and considered that whilst these acknowledged the problem and gave an indication of the steps the Applicant would take, they were not sufficiently detailed to be enforceable and therefore determined to impose further conditions. They considered that the balance lay in favour of granting the application for a premises licence. They considered that the licensing objectives were upheld by the granting of the application with the additional conditions and that it is a reasonable and proportionate decision taking into account the evidence heard and read.

All parties have the right to appeal this decision. Any appeal must be commenced by notice of appeal given to the magistrates' court within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision appealed against.

(The Meeting closed at 3.30 pm)

CHAIRMAN