

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Board Room, Council Offices, Coalville on MONDAY, 10 MARCH 2014

Present: Councillors J Geary, C Large and N Smith

Officers: Ms R Howe, Mrs M Meredith and Mrs C Ridgway

Interested Parties: Mr B Kahraman (Applicant), Mrs S Kahraman (Manager) and Mrs N Land (Ibstock Parish Council)

1 ELECTION OF CHAIRMAN

It was moved by Councillor N Smith, seconded by Councillor J Geary and

RESOLVED THAT:

Councillor C Large take the chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3 DECLARATION OF INTERESTS

No interests were declared.

4 APPLICATION FOR VARIATION OF A PREMISES LICENCE

The Chairman introduced the parties and explained the procedure to be followed. The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time for each presentation be ten minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting background information and the representations received.

Councillors N Smith and J Geary sought clarification regarding the opening hours of other licensed premises in Ibstock. The Licensing Enforcement Officer advised that the petrol station had a 24 hour licence, however she was not certain whether they operated the licence over a 24 hour period.

Councillor N Smith expressed concern that no other premises would be selling alcohol at that time. The Licensing Enforcement Officer advised that some Public Houses were able to sell alcohol for consumption off the premises. She added that there had been no complaints received.

Councillor N Smith asked if there had been any complaints received in respect of other premises that served alcohol at a later hour. The Licensing Enforcement Officer advised that one unsubstantiated complaint had been made in respect of underage sales which had been passed on to Trading Standards and Leicestershire Police for further investigation.

In response to a question from the Legal Advisor, the Licensing Enforcement Officer advised that there were two premises which offered home delivery of alcohol within the District, and these both offered delivery with or without a takeaway meal. She reported that no complaints had been received in respect of these premises.

Chairman's initials

Mrs S Kahraman, on behalf of the applicant, addressed the Sub Committee. She raised the following points in response to the concerns of the Parish Council:

- The premises would be implementing the Challenge 25 policy and would not be contributing to the existing antisocial behaviour issues in Ibstock.
- There was already another licensed takeaway on High Street and therefore it could not be demonstrated that granting the licence would lead to further applications from other takeaways.
- The sale of alcohol would not be promoted as it would be sold at a premium price.
- Alcohol was available 24 hours a day at other premises in Ibstock.
- Customers who dropped litter were advised that they would no longer be served if they continued this behaviour.
- The store always closed at 11.00pm; a licence had been requested until 12.00pm to allow for last minute customers and later opening on special occasions only.

Councillor N Smith asked the applicant if he was aware that drivers would not be permitted to sell alcohol to customers at the door if the licence were permitted. Mrs S Kahraman confirmed that no stock would be kept in cars.

Councillor J Geary asked the applicant to state what they understood the Challenge 25 policy to mean and how they would implement this. Mr S Kahraman stated that identification would be requested for anyone who appeared to be under the age of 25 and service would be refused if this could not be produced. She stated that a log of incidents would be kept as required and posters would be displayed in the store. She explained that she would be the Designated Premises Supervisor and would train all staff.

Councillor J Geary sought clarification in respect of litter bins. Mrs S Kahraman advised that a litter bin was provided at the front of the premises and there was an existing bin outside the premises. She added that there was nowhere to put an additional bin outside the premises.

Councillor J Geary asked if the applicant would be prepared to undertake cleaning outside the premises. Mrs S Kahraman advised that cleaning was already undertaken as a matter of course.

Councillor N Smith asked if the applicant would give an undertaking to advise customers in respect of the age restrictions in respect of the sale of alcohol. Mrs S Kahraman stated that she would ensure customers were advised on their first order.

Mrs N Land addressed the Sub Committee on behalf of Ibstock Parish Council. She referred to the representation as set out in the agenda and stated that the Parish Council were not opposed to Sunshine Pizza specifically, however there were issues with underage drinking. She added that there were a lot of takeaways on the high street.

There were no questions for Mrs N Land.

Councillor N Smith asked if it was possible to add a condition that all beverages were sold in plastic containers or cans. The Licensing Enforcement Officer advised that it was possible to buy plastics for lagers, however this was more expensive. She added that it would not be possible to sell wine in a plastic bottle.

Chairman's initials

Councillor N Smith asked the applicant if he would be prepared to supply alcohol in cans or plastics where possible. Mrs S Kahraman advised that all lagers would be served in cans.

Councillor C Large sought clarification on the range of beverages that the applicant was considering selling. The Legal Advisor explained that once a licence was granted, there would be no restriction on the range of products that could be sold.

Councillor N Smith stated that on previous occasions, the Sub Committee had requested that identifying marks be placed on products prior to sale so that problems could be detected.

Mrs S Kahraman stated that she would be happy to work with the Parish Council to ensure that issues did not arise.

Mrs N Land and Mrs S Kahraman made brief closing speeches reiterating points raised earlier in the hearing.

The Chairman reiterated that an application could be reviewed at any time if issues arose.

The Legal Advisor reminded the Sub Committee that the application should be considered as a sole application, and on its own merits.

At 7.20pm the Sub Committee adjourned to consider its decision. The Sub Committee was reconvened at 7.37pm.

RESOLVED THAT:

The variation of the premises licence be granted subject to the following conditions:

1. Alcohol and other goods can only be delivered to a residential address, drivers will not deliver to any person anywhere other than at the residential address given at the time of the order.
2. The carrying of alcohol by delivery drivers must be such so as to fulfil the order only and should not exceed any order received. Only one delivery of alcohol to be made at any one time.
3. At no times should alcohol be offered for sale on delivery of goods or a sale be conducted on the doorstep of properties or outside the premises.
4. No delivery of alcohol will be made unless a delivery for food is being made for the same transaction.
5. Delivery will be refused if the driver considers the person receiving the delivery to be underage, or under the influence of drink/drugs.
6. All drivers to be trained in Challenge 25 and to adhere to this policy when making deliveries which include alcohol.
7. Delivery drivers to be over 18 years of age.
8. Delivery will be refused if the driver believes the alcohol is being purchased for anyone under the age of 18.
9. All drivers to be trained appropriately to ensure their adherence to the licensing objectives when providing alcohol to the public.

Chairman's initials

10. No promotional deals for alcohol to encourage responsible drinking.
11. If delivery is not made for any reason the driver will return the order to the premises.
12. Alcohol deliveries to be limited to £50 total for alcohol.
13. Purchasers will be made aware that if they cannot prove they are over 18, delivery will be refused.
14. Stock will be stamped to identify the source. Such stamp to be approved by the Licensing Enforcement Officer and notified to the Parish Council.

The Chairman reiterated that the application could be reviewed at any time should there be any issues arising. She also reminded the applicant of their right to appeal in respect of the conditions imposed.

The meeting commenced at 6.44 pm

The Chairman closed the meeting at 7.42 pm

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