

Draft Minutes of the Licensing Sub Committee (Hearing) held on Tuesday 30th September 2008 at 3:35pm.

Hearing Councillors Present: Councillors D.B. Allen, P. Doyle and H.R Plenty.

Officers Present: K. Golledge (Principal Environmental Health Officer), J. Knight (Senior Environmental Health Officer), C. Symes (Democratic Services Assistant), P. Taylor (Assistant Solicitor) and M. Todd (Senior Democratic Services Officer)

Others Present: Ms J. Gallimore (Wiltshire Police), Mr M. Kayran (Applicant) and Mr T. Nuttall (Wiltshire Police)

LSC13. Election of Chairman for the Hearing

Resolved that Councillor D.B. Allen be elected as Chairman for the duration of the Hearing.

Councillor Allen in the Chair

LSC14. Membership of the Licensing Sub Committee (Hearing)

There were no changes in Membership.

LSC15. Chairman's Announcements

The Chairman gave details of the exits to be used in the event of the fire alarm sounding.

LSC16. Minutes

The Minutes of the Licensing Sub Committee (Hearing) (circulated with the Agenda) held on 10th July 2008 were considered.

Resolved that the Minutes of the Licensing Sub Committee (Hearing) held on 10th July 2008 be confirmed and signed as a correct record.

LSC17. Declarations of Interest

There were no declarations of interest made in respect to the item contained in the Agenda.

LSC18. Application for a Premises Licence; Malmesbury Pizza and Kebab, Malmesbury

The Chairman welcomed everyone to the Hearing, introduced the Councillors and asked Officers present to introduce themselves. The Chairman then referred to the Hearing Procedure, which had been circulated with the Agenda that outlined how the Hearing would be conducted.

Consideration was then given to Report No. 6 (circulated with the Agenda) considering an application for a Premises Licence which has been made by Malmesbury Pizza and Kebab, Malmesbury and for which relevant representations have been received.

The Hearing was informed by the Licensing Officer that this was an application for a Premises Licence and that during the consultation period, three representations were received. The representation from Wiltshire Police had been withdrawn due to the Applicant agreeing to the additional conditions from Wiltshire Police. The representation from Mr D. Rigley concerned any anti-social behaviour connected with the premises and the sale of alcohol to children. A representation from Malmesbury Civic Trust had been rejected as they were not deemed an interested party.

Summary of Applicant's Submission

Mr Kayran was given the opportunity to address the Hearing as the Applicant, but indicated that he did not have any additional points to raise.

In response to questions the Hearing was informed of the following points:

- There are three staff currently working at the shop and all have received Age 21 training; and
- If the Licence was granted Mr Kayran would implement CCTV at the front of the shop.

The Applicants' Summation

Mr Kayran stated that he would display notices in the shop and on any leaflets that age identification would be needed before the sale of alcohol occurred.

Adjournment and Decision

The Hearing adjourned at 15:45.

The Members withdrew from the meeting together with the Meeting Administrator and Solicitor to deliberate in private.

In reaching their decision the Members of the Hearing took into account the Council's Licensing Policy and Government guidance, including the licensing objectives. They also took into account the Applicant's submission and the relevant representations received.

Resolved that the application for a Premises Licence at Malmesbury Pizza and Kebab, Malmesbury be GRANTED with licensable activities to be permitted subject to the timings below:

Sale of Alcohol (off- sales only)

Sun 16:00 – 23:00
Mon 16:00 – 23:00
Tue 16:00 – 23:00
Wed 16:00 – 23:00
Thur 16:00 – 23:00
Fri 16:00 – 23:00
Sat 16:00 – 23:00

2) Subject to the additional conditions from Wiltshire Police in the letter dated 11th August 2008 as follows:

- i. Only a passport, driving licence or proof of age card bearing a PASS hologram will be accepted as a proof of age;
- ii. A think 21 policy will be operated at all times by the premises in relation to alcohol sales;
- iii. Menus will show the requirement to produce relevant identification and advise customers of the think 21 policy;
- iv. Members of staff delivering alcohol to customers will ensure that recognised identification is produced before handing over any alcohol;
- v. Members of staff taking orders for the delivery of alcohol will ensure that the customer is aware of the requirement to produce a recognised proof of age document;
- vi. Clear signage will be displayed at the front of the shop advising customers of the premises think 21 policy and the requirement to produce a recognised proof of age document; and
- vii. Staff will be trained in the relevant licensing legislation to prevent under age sales, a record of this training will be kept by the designated premises supervisor.

Reasons for Decision

The Applicant has satisfied the Hearing that with the additional conditions proposed by Wiltshire Police in their letter of 11th August 2008 these are sufficient to meet all four Licensing Objectives.

Announcement of Decision

Members returned to the Hearing and the Chairman informed those present of the decision made and confirmed that written notification would be given in due course.

The meeting started at 15:35 and finished at 16:00

There were 2 members of the public present.