

LICENSING SUB-COMMITTEE
8 SEPTEMBER 2014

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Monday, 8 September 2014

PRESENT:

Councillors: Alan Diskin, Brian Lloyd and Mike Reece

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Solicitor (Tim Dillon), Licensing Officer and Team Manager, Committee Services

RESPONSIBLE AUTHORITY:

Sergeant John Williams, North Wales Police and Ann Williams, Licensing Officer, North Wales Police

APPLICANT:

Mr Marcin Laskowski and his representative, Mr Kamio Gadewski

1. APPOINTMENT OF CHAIRMAN

Councillor Reece proposed that Councillor Diskin be appointed as Chairman for this meeting which was seconded by Councillor Lloyd.

RESOLVED:

That Councillor Diskin be appointed Chairman for this meeting only.

2. APOLOGIES

None.

3. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

4. APPLICATION FOR A PREMISES LICENCE

The Licensing Officer introduced the report which was for a request for a Premises Licence at 21-23 Chester Street, Flint which was shown on a location map which was attached as appendix 1 to the report.

The applicant was MDM Trans Ltd and the application had been advertised in the correct manner.

The application was for a new premises licence for the sale of alcohol for consumption off the premises only for the following hours:

Monday – Sunday 07.00 – 22.00

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REPRESENTATIONS BY THE APPLICANT

Mr Kamio Gadewski spoke on behalf of Mr Marcin Laskowski.

He explained that the store would sell Polish food and Polish alcohol only and provided the Sub-Committee and the responsible authorities with a copy of the price list that the alcohol would be sold for. He said that in comparison to other stores in the vicinity, their liquors were of fine quality and the prices were generally more expensive.

When the store had been purchased there had been an issue with people drinking alcohol outside at the back of the store so immediately a gate had been erected which had eradicated the problem.

The store had been fitted with eight CCTV cameras, which included a night view, with one camera in the front of the store, one at the back and six inside.

Representatives from North Wales Police did not have any questions at this point.

REPRESENTATIONS BY RESPONSIBLE AUTHORITY

North Wales Police

Ann Williams, Licensing Officer with North Wales Police said that the Police had submitted an objection on the grounds that the application was likely to undermine the licensing objective of Prevention of Crime and Disorder.

Whilst there was no Saturation Policy in place for the area which the premise was located, North Wales Police raised concern to the number of off licence premises situated within 100 yards of each other.

Flint had been subjected to alcohol related anti-social behaviour, which in turn had had a detrimental effect on the residents, local businesses and also posed a drain on Police resources. It was the view of North Wales Police that if the licence was granted it could result in an increase in further incidents of crime and disorder.

Sergeant John Williams provided the Sub-Committee with a map of the area which provided details of the 15 off licenses already in operation in the vicinity of the premises, seven of which were within 100 metres of the premises under consideration today.

North Wales Police had worked hard to tackle the problems of street drinking and anti-social behaviour in the town of Flint which had been a success as the problems had reduced.

In response, Mr Gadewski reiterated that only Polish alcohol would be sold and at a higher price than other popular brands of alcohol that were sold elsewhere. He added that alcohol was not the main item to be sold from the

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store as that was food, but it was important that customers were able to buy from a whole range of goods, including alcohol, when doing their shopping.

Mr Gadewski, in response to a question by the Chairman, explained that the store had been purchased in January 2014 with the fixtures, fittings and decorating nearing completion and it was hoped they would be open for business at the end of September or beginning of October. Also, the company had seven other premises and had not had any problems in the eight years they had been open.

In response to a question from Ann Williams, Mr Gadewski said there was an English speaking person in the seven premises referred to and there would be in this premise too.

Councillor Lloyd asked if Sergeant Williams had any figures on the number of drink related incidents referred to, to which the Sergeant said he did not. He said the problems had improved and the reason for the objection was that North Wales Police did not want to see the situation reverse.

In response to a question from Councillor Lloyd, Sergeant Williams explained that the whole of Flintshire was an alcohol controlled area which meant that alcohol could be seized in inappropriate circumstances.

Sergeant Williams, in response to a question from the Solicitor, said that in respect of the previous complaints of anti-social behaviour, there was no particular time of the day that this was most prevalent.

Ann Williams clarified Section 182 of the Licensing Act in that there was no requirement for a responsible authority to produce a recorded history of problems which related to a new premise.

In responding to questions from the Solicitor, Mr Gadewski explained that all staff employed would be trained in operating the Challenge 25 Policy and only responsible people would be employed. Alcohol would not be sold to people who appeared to be drunk. It was most likely that the store would operate between the hours of 9am and 9pm however this was unable to be confirmed as the likelihood of shit work in the area was not yet known. If there was a demand for the store to be open from 7am then it would be. He confirmed that the applicant, Mr Marcin Laskowski, was not a Designated Premises Supervisor at any other location. The applicant had no objections to the conditions outlined in the letter from North Wales Police in relation to CCTV and he added that all of the alcohol sold in the store would be behind the counter.

Summing Up

Mr Gadewski on behalf of Mr Marcin Laskowski

Mr Gadewski had nothing further to add.

Sergeant Williams

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Sergeant Arnold had nothing further to add.

DETERMINATION OF THE APPLICATION

Mr Martin Laskowski, Mr Kamio Gadewski and the responsible authorities left the room during the decision making.

In arriving at its decision, the Sub-Committee took into account all of the representations made, in particular from the applicant and North Wales Police.

At this juncture it was very hard to determine whether there would be a detriment to the licensing objectives, including the prevention of public nuisance.

The Sub-Committee noted the Police’s general concerns however and also the representations from the applicant concerning assurances that they would follow policies and have staff who could converse in English.

They noted that the applicant was agreeable to the conditions of North Wales Police detailed in their letter to the Licensing Authority of 13 August 2014.

In light of all of the representations made, the Sub-Committee therefore granted the application for the sale of alcohol for the hours requested namely 7am – 10pm.

The Sub-Committee were concerned about issues that had been raised by North Wales Police and Councillor Ian Roberts and should problems arise in respect of the applicant’s premises then there was the power for responsible authorities to make an application to review the sale of alcohol at the premises.

DECISION

Mr Martin Laskowski, Mr Kamio Gadewski and the responsible authorities returned to the room.

The Chairman explained that the Sub-Committee had determined to grant the application for the sale of alcohol between the hours of 7am and 10pm with the following conditions attached:

- A digital, colour, hard disc CCTV system to be installed and remain operational whilst the premises are open to the public and maintained in good working order;
- Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or Local Authority upon request; and
- There must be a minimum of one member of staff trained and available to download CCTV footage at the request of the Police or Local Authority at all times when the premises are open

RESOLVED:

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That the application for the sale of alcohol between the hours of 7am and 10pm at the premises 21-23 Chester Street, Flint, Flintshire be granted with the following conditions attached to the premises licence:

- A digital, colour, hard disc CCTV system to be installed and remain operational whilst the premises are open to the public and maintained in good working order;
- Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or Local Authority upon request; and
- There must be a minimum of one member of staff trained and available to download CCTV footage at the request of the Police or Local Authority at all times when the premises are open

5. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.20 pm)

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