

# Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

**Meeting date:** 4 September 2024

**Meeting time:** 18.00 – 19:15

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**In attendance:**

**Councillors:**

Dilys Barrell, Dr Steve Steinhardt and Dr David Willingham

**Also in attendance:**

Vikki Fennell (Senior Lawyer) and Louis Krog (Head of Public Protection and DEPLO)

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## **1 Election of Chair**

Councillor Willingham was elected Chair of the committee.

## **2 Apologies**

There were no apologies.

## **3 Declarations of interest**

There were none.

## **4 Bargain Booze Review**

The Head of Public Protection introduced the report as published.

The Members were then given the opportunity to ask the officer questions. The responses were as follows:

- The authority is not the enforcing authority for the sale of tobacco.

- A suspension would have to be for a specific purpose, the decision needs to be made in line with the licensing objectives.
- There have been no complaints from the licence holder to the authority or the police with regard to anti social behaviour.

There were no questions from the police.

The licence holder's solicitor stated that he had only been given the case at the last minute and asked if the committee would consider looking at the amended conditions he had copies of. He was informed that he would have the chance to address the committee and the proposed conditions were circulated to the committee and officers with the legal officer's permission.

The police officer then addressed the committee. His report was as published. He made the following additional points:

- Within a 3-month period alcohol has been sold to minors twice by the DPS. One of those occasions was part of a police operation.
- The licence holder has been asked on several occasions to mend their CCTV.
- One of the underage purchases that was made caused the buyer to be unwell and his parents contacted the police and provided the details of the purchase.
- The licence holder, who is also the DPS has repeatedly had non-working CCTV and has had numerous warnings.

The matter then went to Member questions, the responses were as follows:

- They have now been told that if a person looks underage then they must ask for ID. There have been no other incidents reported to the police since they have been told to ask for ID.
- the DPS was very open when she received a visit from the police. There is possibly a lack of understanding and knowledge.
- The police officer confirmed that they would be looking for the DPS to be removed and another appointed, online training would have to be completed and the new DPS would have to have training, 2 months would be a sufficient suspension as this would cover the training.
- There have been no complaints made to authorities with regard to anti social behaviour.
- The incident log will record both physical and emotional abuse.
- If there is any anti-social behaviour then the best person to contact is the police.

The solicitor on behalf of the Licensee then addressed the committee and made the following points:

- If the licence was revoked then the current licensee would be homeless.
- The solicitors provided new conditions for example: ensuring CCTV is working at all times, there will be clear signage with regard to respecting neighbours, no one who is intoxicated will be served, the Challenge 25 posters will be displayed, there will be staff training and a refusal book,

- A month suspension is enough to make the changes and to get a new DPS in place.

The matter then went to Member questions, the responses were as follows:

- The solicitor appointed undertook to ensure that the changes happen (now they have been appointed)
- With the solicitors help the application for a new DPS should go through smoothly.
- The licensee will remember it is illegal to sell to under 18's.

The Members then went into closed session to form the decision.

The decision was made unanimously with the revised conditions that the licensee solicitors proposed.

The licence will be suspended for a minimum of 2 months and until there is a new DPS and the new training has been undertaken.

## **5 BRIEFING NOTES**

There were none.

## **6 Any other items the Chairman determines to be urgent and which requires a decision**

There were none.