

LICENSING PANEL SUB-COMMITTEE

WEDNESDAY, 30 JANUARY 2019

PRESENT: Councillors Malcolm Alexander, Phillip Bicknell and Derek Wilson

Also in attendance: Councillors Bowden and Quick.

Officers: Steve Smith, Shilpa Manek, Sarah Conquest and Roxana Khakinia

APPOINTMENT OF CHAIRMAN

Councillor Alexander proposed Councillor Bicknell to be Chairman for the Panel. This was seconded by Councillor Wilson.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

No Declarations of Interest were received.

PROCEDURES FOR LICENSING PANEL SUB COMMITTEE

The procedures were noted by all.

CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Licensing Officer

The Licensing Officer, Steve Smith, introduced the application for Members to consider. The Licensing Officer explained that the application related to a new premises license. The Licensing Officer informed the Panel that this was a brand new application for a premises licence with the standard opening hours of the premises from 6am to 11pm, Monday to Sunday and to permit the sale by retail of alcohol for consumption off the premises from 6am to 11 pm, Monday to Sunday. The application was outside of the current framework hours within the RBWM licensing policy.

The Licensing Officer had received no relevant representations from any of the responsible authorities except the Trading Standards who requested a number of conditions relating to one of four key objectives, prevention of children from harm. There had been twelve representations from local residents, a petition had been signed by 138 local residents and two representations had been made by the local Ward Councillors. All the representations were available in the Agenda pack.

The Licensing Officer informed the Panel that Mrs Charul Patel was the owner of the premises and the Designated Premises Supervisor (DPS). The premises was situated at 113 – 117 Springfield Road, Windsor.

The Licensing Officer reminded the Panel that they should have consideration for the four licensing objectives when making their decision on whether to grant the new premises licence,

modifying the conditions of the licence by altering or omitting or adding to them, or to reject the application.

Questions to the Licensing Officer

Councillor Bicknell asked the Licensing Officer why this application had come to a Panel and was informed that a large number of requests had been received for this application but the applicant had still wanted to go ahead so it was best brought to Panel.

Applicant's Case

The Applicant's representative, Jill Sherratt, informed the Panel that the premises was for a Costcutter franchise in a large premises. This wanted to be a local store that had also been granted a post office after three months which would be a great asset to the local area. The store would have a Costa Coffee machine, ready to eat food and all groceries.

The premises owner, Mrs Charul Patel, had been in the same business for over ten years, six years at a store in Croydon, London and since 2015, at another Costcutter which had an off licence and there had never been any issues. This premises had been bought freehold and it had received support from Costcutter too. A lot of investment had been made.

The premises owner was going to be having the following points at the premises:

- CCTV with digital viewing. 12 cameras offering monitoring inside the store, to the back and the front of the store.
- Till prompts to restrict staff making mistakes.
- Separate refusal register.
- Challenge 25 scheme.
- Continual staff training.
- Backing from Costcutter and licensing.

The premises owner/DPS would be at the store at all times, her husband would be at the store when required and they would be recruiting five/six staff.

The representative highlighted that the framework hours generally related to a town centre premises and this premises was not in the town centre and was supported by national guidance. Most new applications applied for alcohol selling hours to be the same as the shop opening hours as it was very difficult to cover all alcohol up if not being sold.

It was pointed out that there had been no representation from the responsible authorities except for the Trading Standards and their conditions had all been accepted by the applicant.

Questions to the Applicant by Members

Councillor Alexander asked about the date on the current licence and was informed that when a licence is re-issued as a result of a change of address or name, the new date of issue is put on the licence.

Councillor Wilson asked about the opening hours of the store that was currently there. The Licensing Officer informed the Panel that the current store had a licence to be open from 8am to 11pm, Monday to Friday and 10am to 10.30pm on Sundays.

Councillor Alexander asked the applicant what had determined the opening hours that she had applied for. The applicant informed the Panel that a non-specific survey had been carried out with 8000 residents. The survey showed that there was need for another convenience store in the area. The survey had been based on commercial business.

Councillor Wilson asked if the survey covered the local residents but was informed that it had been based on commercial business.

Questions to the Applicant by Objectors

Councillor Quick informed the applicant and the Panel that the 8000 residents that answered the survey was probably the while of Windsor as her Ward only had 2500 residents. Councillor Quick asked the applicant that considering there was already a convenience store and a public house in the area, why was another convenience store selling alcohol required. The applicant responded that it was a commercial consideration that a business of that nature was required in that area.

Councillor Bowden asked in any planning permission was required as it would be a change of business and was advised that none was required.

Objectors' Case

Andrew Smith, resident, informed the Panel that a new larger store was not required especially as there was already a store there that sold groceries and alcohol and especially since there was a junior school at the back entrance of the premises. There would be additional traffic which would be a danger to the children and parents crossing. The deliveries would cause further traffic congestion. Issues would be increased with respect to litter, public safety children at harm and crime and disorder.

Mr Baidwan, resident of Springfield Road, informed the Panel that the current store was serving the community very well. It opened at 11am and closed at 8pm to respect the local residents. There was a school very close and safety would be an issue, the deliveries to the new shop would create issues with parking, rubbish would be a problem, even the current bins were full and not emptied.

Pam Kaur, owner of Pams News, shop currently on Springfield Road, informed the Panel that she had run the shop there for 15 years and had built a close relationship with all her local residents. Pams News had already been granted a post office licence for the shop. The Panel were informed that she closed the shop early to not disturb the residents and had known the children in the area since they were small children. The store was now a Nisa Local.

Matilda Nancy, resident, informed the Panel that she lived near the shop and the area was very residential and didn't need another shop. The one there now served the residents well. The new shop would cause disturbance.

Barbara Birch, resident informed the Panel that she lived near the shop and another shop was not required in the area.

Sandra Jones agreed with all of the other objectors.

Councillor Quick, Ward Councillor of Clewer East and Chairman of Children's Overview and Scrutiny Panel and a long term local resident informed the Panel that the current store had been family run by three different families over the years. With a new store, the local residents would have very little rest-bite, the recruitment of five/six would not be adequate to cover the shop hours over the two shifts and this would make it easier for children to take alcohol from the shop. Councillor Quick had presented the petition at Full Council. The applicant would close the store at 11pm and that would bring a new group of people to the area. Springfield Road had eleven/twelve roads off it and only three businesses on it, there was no requirement for another premises selling alcohol. It would be a public nuisance and children would be at harm.

Councillor Bowden, Ward Councillor for Clewer East, informed the Panel that he had witnessed the current shop owner refusing to sell alcohol which was very difficult. Would this

be maintained by the new shop. Councillor Bowden was not surprised that no responses had been received from Thames Valley Police as there was currently no crime and disorder in the area and residents wanted it to stay that way. Test purchases had taken place at the current store and no alcohol had been sold. The public nuisance in the current area would be prevented by not allowing the alcohol license, there was currently no harm to children and the local residents did not want it being introduced. There was no requirement for another store in the area and there had been a number of local objections.

Members had no questions for the Objectors.

The applicant had no questions for the Objectors.

The applicant had no parties to address the Sub Committee.

Applicant's Summary

The applicant's agent summarised that deliveries would be in a fixed time period, the litter would be managed and the applicant was happy for a condition to be added to the license for this. There would be no price as the wholesaler would be the same for both shops. It was pointed out that no representations had been made by the school or anyone with children at the school and reassured the Panel that all correct procedures would be in place so that no risk would come to children.

It was summed up that Mrs Patel was part of the community and her son attended the local school. Mrs Patel had got vast experience and had also passed all previous test purchases. Any conditions to the license would be mandatory and adhered to.

Objectors' Summary

There was no requirement for this additional convenience store in the residential area.

Licensing Officer Summary

There was no cumulative impact policy in the borough and Members must consider the four objectives when considering the application.

Decision

The Sub Committee carefully considered all the submissions and noted that there were no objections from the responsible authorities which included Environmental Health, RBFRS, Planning, Local Safeguarding Children's Board, Public Health, Thames Valley Police and RBWM Licensing. The Panel noted a submission made in the form of an email from Trading Standards requesting the following conditions to be added, which had been agreed by the Applicant:

- Proxy sales of alcohol will not be permitted – all staff trained to discourage the sale of alcohol to customers on behalf of children.
- Management will ensure ongoing staff training, etc (All bar staff/staff fully trained and retrained every 6 months which includes to discourage the sale of alcohol to customers on behalf of children).
- A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, passport, photographic driving licence, or any identification recognised or approved by either the Licensing Authority or Thames Valley Police. No other form of identification shall be accepted unless agreed with the Licensing Authority

or Thames Valley Police.

- The Premises Licence Holder shall operate and maintain an up-to-date record of refused sales of alcohol, indicating the date, time, reason for refusal and person refusing. The record shall be reviewed from time to time by the Designated Premises Supervisor or premises licence holder. This information shall be made available upon request to the Licensing Authority, TVP and any other Responsible Authorities.
- Appropriate signage of Challenge 25 policy.

The Sub-Committee after very careful consideration, decided that the application for a new premises licence should be granted with the following condition applied as a result of addressing the public nuisance objective raised by all of the objectors:

- All deliveries only to be made between 9am and 4pm.

The Sub Committee would also expect, from the comments made by the residents at the Licensing Panel Sub Committee that the Applicant take responsibility for making sure that the area directly outside the premises be kept litter free and tidy.

The meeting, which began at 10.00 am, finished at 1.00 pm

CHAIRMAN.....

DATE.....