

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

TUESDAY, 1 OCTOBER 2019

PRESENT: Councillors David Cannon, Karen Davies and Phil Haseler

Officers: Rachel Lucas, Shilpa Manek, Greg Nelson, Mark Beeley and Lauren Dean

APPOINTMENT OF CHAIRMAN

Councillor Haseler proposed Councillor Cannon to be Chairman for the Panel. This was seconded by Councillor Davies.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

There were no declarations of interest.

PROCEDURES FOR SUB COMMITTEE

The Panel noted the procedures.

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

Licensing Officer

The Trading Standards and Licensing Lead, Greg Nelson, introduced the application for Members to consider. Mr Nelson explained that the application related to a new premises licence. Mr Nelson informed the Panel that this was a 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 set out in the RBWM Licensing Policy Statement 2016-21. Mr Nelson informed the Panel that Mr David Davenport was the Designated Premises Supervisor (DPS). The premises was situated at 4 Brockenhurst Road, South Ascot.

The Licensing team had received no relevant representations from any of the responsible authorities. One submission had been made by the Planning Officer who objected to the licence application, although this was deemed not relevant as it did not relate to the four licencing objectives. There had been 24 representations from local residents and a petition that had been signed by 275 local residents. All the representations were available in the Agenda pack.

Mr Nelson reminded the Panel that they should have consideration for the four licensing objectives set out in the Licencing Act 2003, which were;

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children

All four objectives should be considered when making their decision, and their options were to;

- Grant the application as submitted
- Modify the conditions of the licence, by altering, omitting or adding to them
- Reject the whole or part of the application

Questions to the Licensing Officer

Councillor Haseler commented on there being no objections from the police, but wanted to know if there were any anti-social hotspots in the surrounding area, Greg Nelson was not aware of any. Councillor Haseler further queried whether there was a rough sleeper problem, again to which Greg Nelson said there was nothing that he was aware of. The Applicant's representative asked about the previous licence which was connected to the property and whether alcohol was allowed to be consumed off the premises, Greg Nelson confirmed that there was a previous licence for the sale of alcohol by retail for consumption on the premises as it was previously a restaurant. The Applicant's representative then asked for confirmation on who had created the petition. Greg Nelson confirmed that it was the rival business Swinley Stores. The final question was to clarify that the site was a convenience store and therefore the Applicant argued the framework hours from the RBWM licencing policy did not apply. Greg Nelson said that the application was for a licence to sell alcohol by retail for consumption off the premises.

Applicant's Case

The Applicant's representative, Leo Charalambides, informed the Panel that not all of the representations made against the applicant were relevant. In particular, the representative pointed to the petition which had been set up by rival business Swinley Stores and had therefore been made due to competition concerns. Addressing another common concern that there wasn't any desire to have another off licence in the area, Mr Charalambides argued that again this wasn't relevant to the Panel and that residents could choose not to shop at the premises if they do not wish to.

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

- CCTV covering the front, alcohol section and till area
- Till prompts to restrict staff making mistakes.
- Electronic refusal register.
- Challenge 25 scheme.
- Continual staff training, both internally and externally.

The representative highlighted that they would not be stocking 'higher strength' alcoholic drinks, but did not clarify what these products were. By doing this, the representative believed that the applicant would be working with the local community and authorities to promote the four licencing objectives at the premises.

Questions to the Applicant by Members

Councillor Haseler commented that the application was comprehensive, but queried what goods would be sold in the premises. He was informed that it sold a wide variety of goods and followed most other local convenience stores.

The Chairman asked about the function the premise would be performing as an off-licence, and used the example that petrol stations can isolate alcohol sales at certain times. The Applicant's representative clarified that if there was to be any problems, then restrictions could be put in place but there was no evidence that this would be needed.

The Chairman then queried about the hours that the DPS would be on site. The applicant confirmed that the DPS would not always be present during the opening hours, however, another trained member of staff would always be present.

Councillor Haseler asked about the age of staff that would be working on the premises, the applicant confirmed that no one under 18 would be employed, other than newspaper boys, but they would have no access to serve behind the counter.

Questions to the Applicant by Objectors

Beverly Cooke, a local resident, asked for clarification on the closing time of the store, as she had previously been informed that the closing time would be 10pm. The applicant's representative confirmed that the closing time was proposed to be 11pm, 7 days a week. Ms Cooke also queried whether the CCTV would cover the green, to which the representative informed the Panel that they were not sure, but that it would definitely cover the entrances and other sensitive areas. Using CCTV to cover the green may cause issues with Data Protection.

Objectors' Case

Beverly Cooke, resident, informed the Panel that a new store was not required especially as there was already a store there that sold groceries and alcohol in close proximity. She informed the Panel that there were already 19 other places in a one mile radius to buy food and drink. There would be additional anti-social behaviour problems in the area if a new store was to open, with there being evidence available that the area was a crime hot-spot, with many car break-ins taking place. Ms Cooke pointed to her own experience of cars on her road being broken in to, which she believed was caused by youths buying and drinking alcohol from the local off-licence. She requested that either for the licence not to be granted, or for the opening hours to fall within the recommended RBWM licencing framework.

Mr Singh, owner of local business Swinley Stores, also objected to the plans. His business had a licence to serve alcohol from 8am until 11pm but chose to open at 7am and close at 9pm in respect of the local community. He confirmed that he had started the petition and argued about the concerns of competition, but this was irrelevant to the four licencing objectives.

Questions to the Objectors' by Members

Councillor Davies asked for more information on the anti-social behaviour that had been occurring in the area, and if they were using local stores to buy alcohol. The Panel were informed that those involved usually came from a near-by council estate, getting alcohol from Swinley Stores and consuming it on the adjacent green. She also asked for a comparison of opening times with supermarkets in the area, to which Mr Singh confirmed that they closed at

9pm, but believed that a local Tesco may be open 24 hours. It was also confirmed that Swinley Stores was the closest off-licence to the green.

Councillor Haseler wanted to clarify the distance between Swinley Stores and the green, and also what age group those involved in anti-social behaviour were. Ms Cooke explained that Swinley Stores was just a few doors down, but closed at 9pm. The people involved were of all ages. Councillor Haseler further queried about the local police presence, with the Objectors claiming that they hadn't seen any police and that the anti-social behaviour could go on for many hours. Haseler also asked about whether Mr Singh had experienced significant under age attempts to buy alcohol. He had not received any complaints about selling to under age customers, but sometimes experienced customers using fake ID's.

The Chairman asked why the Objectors' believed that crime and disorder would increase due to the new convenience store, to which the Objectors' criticised the difference between the current closing time of 9pm and the applicant's proposals for an 11pm finish. The Chairman commented that he didn't see any difference with McColl's being there, and that it would make little difference to crime in the area. The Objectors' had concerns that it seemed logical and that they assumed it would.

Rachel Lucas, Legal Representative, asked for clarification of the start time of the Objector's business, which was the store opening at 7am and alcohol being sold from 8am.

Questions to the Objectors' by Applicant

The applicant's representative had one question for the Objectors', to clarify if the previous licence holder was a restaurant. This was confirmed and that the closing time was normally between 10/10:30pm.

Applicant's Summary

The applicant's representative summarised that they had already made good decisions, pointing to the statement that McColl's would not sell drinks deemed to have a 'high alcohol percentage'. He explained that they wanted to serve the local community and help it thrive, and would be introducing the security measures outlined in the application. He concluded by claiming that the store would be a genuine benefit to the community.

Objectors' Summary

The Objectors' felt no need to summarise as they felt they had put forward everything they wanted to say in their case to the Panel.

Trading Standards & Licensing Lead Summary

Greg Nelson said that none of the responsible authorities had objected to this application. The Panel had heard from local residents who were best placed to know about what goes on in the area. The application was very comprehensive. The Panel should take into account all of the evidence that they had heard and then made a decision to;

- Grant the application as submitted
- Modify the conditions of the licence, by altering, omitting or adding to them
- Reject the whole or part of the application.

Decision

The Sub Committee carefully considered all the submissions and noted that there was an objection from the Planning Officer, but this was deemed not relevant to the decision to grant a licence. There were no other objections from the responsible authorities which included Environmental Health, RBFRS, Local Safeguarding Children’s Board, Public Health, Thames Valley Police and RBWM Licensing.

The Sub-Committee after very careful consideration, decided that the application for a new premises licence should be granted.

The Panel noted a submission made in the form of a petition signed by 275 local residents against the proposals and the views of Objectors’ that attended the hearing. However, the Panel deemed that the applicant had suitable strategies in place to meet the four licencing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children.

The Sub-Committee were mindful of the framework hours, as laid down within the RBWM statement of Licensing Policy, and that the hours sought exceeded that in terms of morning opening. They were, however, of the view that Swinley Stores held an alcohol licence, which allowed off sales from 8am, and that this needed to be taken into account. Further, when considering the statutory guidance issued under S.182 of the Licencing Act, and in particular that contained at paragraph 10.15.

The meeting, which began at 10.00 am, finished at 11.08 am

CHAIRMAN.....

DATE.....