

LICENSING SUB-COMMITTEE**29 September 2011****Attendance:**

Councillors:

Jackson (Chairman) (P)

Pearce (P)

Read (P)

Officers in attendance:

Mr J Myall – Licensing Manager

Mrs C Tetstall – Licensing Solicitor

1. **PREMISES LICENCE APPLICATION**
THE OLD POST OFFICE, MAIN ROAD, COLDEN COMMON
[\(Report LR366 refers\)](#)

The Chairman welcomed to the meeting the applicant, Mr Chinnusamy, his representative, Mr Sinnarasa and legal representative Mr Thambiah and Mr Waterman and Miss Hatton as interested parties.

Mr Myall introduced the application to the Sub-Committee. In summary, he explained that the application sought a premises licence in a proposed convenience shop at 1, The Old Post Office, Main Road, Colden Common. The application sought to permit the sale of alcohol for consumption off the premises from 0900 to 2300 hours each day, whilst the general trading hours for the entire store would be 0700 to 2300 each day. It was noted that the Sub-Committee could not condition the general trading hours and that this was normally controlled through the Council's planning function.

Arising from the Police's concerns relating to the crime and disorder objective, the applicant had agreed to install CCTV as part of the conditions. As a consequence, the Police had withdrawn their representation.

Mr Myall also reported that a set of conditions had been agreed between Trading Standards and the applicant, relating to the child protection objective and the Challenge 21 Scheme.

Representations had been received from four interested parties. These raised concerns relating to public nuisance and the possibility of crime and disorder (young people obtaining alcohol to consume in the recreation ground located opposite the shop). The Sub-Committee noted that Mr Myall considered this scenario unlikely and highlighted the Challenge 21 conditions. Mr Myall also stated that it was unlikely that customers who had been refused service at the nearby public house would then cause a nuisance by visiting the applicant's premises, which some of the interested parties had raised as a concern.

He also explained that the two other off licences in the area had both passed underage test purchases undertaken by the Police and Trading Standards.

Some of the representations received related to parking issues, but Mr Myall explained that these were not relevant to this licensing application.

Mr Myall also highlighted to the Sub-Committee concerns raised by the interested parties relating to delivery times to service the store. Although he suggested that this could be covered by an additional condition, such a condition could be deemed unreasonable and this was normally an issue resolved between the operator and their suppliers.

Mr Chinnusamy (the applicant) Mr Sinnarasa (his representative) and Mr Thambiah (his legal representative) addressed the Sub-Committee in support of the application. In summary, they explained their concerns regarding the representations against the application made by neighbouring properties. It was explained that the applicant had successfully run similar businesses in other locations without causing any nuisance to neighbours, but Mr Chinnusamy would nevertheless be open to co-operating with neighbours if any unforeseen problems arose.

In response to Members' questions, it was noted that the shop would be operated by three experienced members of staff from the applicant's existing shop in New Alresford.

The applicant explained that the sale of alcohol was vital to the viability of the business but that even if the licence was granted to permit the sale of alcohol until 11pm, he would not necessarily trade up until that time. Opening hours would depend very much on customer demand. There were two other premises which were licensed to sell alcohol in the village. If the licence was refused, the applicant considered it likely that most of his potential customers would get their groceries and goods from these other outlets, where they could also buy alcohol. Mr Sinnarasa explained that they had surveyed local people prior to the proposed opening of the premises and from this they had decided to focus on grocery items. The Sub-Committee also noted the proposed layout of the shop in the Report that indicated the location of the alcohol.

Mr Waterman addressed Members as an interested party with concerns against the application. In summary, he explained that his concerns related to noise nuisance, as his property was directly above the premises. He considered that noise was possible from the proposed refrigeration units in the shop, from people entering or leaving the premises late at night and, in relation to crime and disorder, the possibility of underage alcohol sales. With regard to the potential noise from the refrigeration units, Mr Myall explained that if this posed a problem, it would be a matter for the Council's Environmental Health Team. However, it may not be reasonable for the Council to place licensing conditions in this respect, as the conditions could only relate to licensable activities and it was likely that the majority of the units would be for other chilled goods.

In response to Mr Waterman's concerns regarding noise from patrons, Mr Myall explained that the Sub-Committee could include in the Conditions a requirement for the applicant to erect signs advising customers to not disturb residents.

In response to questions, Mr Waterman welcomed a proposal to bring forward the time limit for the sale of alcohol from 11pm to 10pm, as it was likely this also bring forward the close time of the store.

Mr Waterman also expressed some reservations regarding the conditioned CCTV in respect to loss of privacy; explained the difficulties residents had with parking and that they had not been consulted prior to the notice of the application.

At the conclusion of debate, Mr Thambiah appreciated the concerns raised by Mr Waterman and commented that sound proofing could be installed into the shop as part of its renovation before opening.

The Sub-Committee retired to deliberate in camera.

In reaching its decision the Sub-Committee carefully considered the Application and the representations made by Police, the Interested Parties, the Responsible Authorities and the Licence Holders. It had taken into account the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998.

The Chairman reported that the Sub Committee had concluded that the licence should be granted, subject to the mandatory and proposed conditions set out in the Report (pages 7,8 and 9) except that the hours the premises may be used for the sale of alcohol shall be Monday to Sunday 0900 to 2200 hours. The Sub Committee also agreed to delete references to the general opening hours from the conditions (bottom of page 7), as the Sub Committee did not have the powers to regulate the general opening hours, which was a planning issue.

Reason – the Sub Committee agreed the reduction in the proposed hours of sale of alcohol to promote the licensing objective to prevent public nuisance and to address the concerns of local residents.

RESOLVED:

That the application be granted, subject to the following conditions:

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
5. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
6. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Operating Hours

The hours the premises may be used for the sale of alcohol shall be:
Monday to Sunday 0900 to 2200 each day

All Licensing Objectives

Crime and Disorder

1. A CCTV System must be installed and maintained to a standard agreed with Police.
 - (a) The system must be capable of producing evidential standard quality images with a minimum of six frames per second operating in normal conditions within the public areas.
 - (b) All public areas must be covered by CCTV. This must include the front door and counter and must be capable of providing good quality head and shoulder images.
 - (c) All images must be retained for 30 days and made available to an authorised officer on request.
 - (d) There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity.

- (e) Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for addition software to be installed.
- (f) The CCTV system must be operating at all times whilst the premises are open for licensable activity.
- (g) Records must be made and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

Public Safety

None

Public Nuisance

Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.

Protection of Children

1. The premises licence holder shall adopt and implement the Challenge 21 scheme. (see mandatory condition 5)
2. 'Challenge 21' posters shall be displayed in prominent positions at the premises.
3. A written log shall be kept of all refusals including refusals to serve alcohol.
The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.
4. The premises licence holder shall ensure that every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older, Passport, photo driving licence and PASS accredited photo ID only. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. (see mandatory condition 6)

5. All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every three months, and written records shall be kept of all training and refresher training.

The meeting commenced at 9.30am and concluded at 10.40 am.

Chairman