

LICENSING SUB-COMMITTEE**11 April 2013****Attendance:**

Councillors:

Mather (Chairman) (P)

Bodtger (P)

Izard (P)

Officers in Attendance:

Mr J Myall (Licensing Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

1. **NEW PREMISES LICENCE – 3 DE LUNN BUILDINGS, JEWRY STREET, WINCHESTER**
(Report LR408 refers)

The Sub-Committee meet to consider an application for a new premises licence under Section 17 of the Licensing Act 2003 for an off-licence at 3 De Lunn Buildings, Jewry Street, Winchester.

Present at the meeting was Mr Halit Ertas, a representative of the applicants.

Mr Myall presented the application as set out in the Report. He advised that the original application was for the hours 0800 to 0100 Mondays to Saturdays and 0900 to 2300 on Sundays. However, the applicant had subsequently amended the application to 0800 to 2300 Mondays to Sundays.

Mr Myall drew attention to a correction to conditions as stated in the Report to remove Conditions 3 and 4 of the Mandatory Conditions which had been included in error.

Mr Myall advised that Mr W Sclater, a resident of Parchment Street had made representations about the application but was unable to attend the meeting. Mr Sclater had requested that the Sub-Committee be made aware that he remained in objection to the application. His reasons were that he believed that the Council's Licensing Policy stipulated that an application should be refused unless it could be demonstrated that it would not add to the cumulative impact of licensed premises in the area. In addition, the Policy also stated that the applicant should have additionally obtained planning permission for the licensed use, which he had not done.

Mr Myall highlighted that the Police (as a Responsible Authority) had withdrawn their objection to the application after the applicant had reduced the requested hours. With regard to representations made, he advised that in

recent years, there had been another off-licence along Jewry Street, close to this proposed location. There was an existing off-licence at the Co-op in City Road, but this was not within the cumulative impact area. Mr Myall informed Members that it was not a mandatory condition that the applicant obtains planning permission prior to a licensing application being made, although it was a recommendation of the Council's Policy.

Mr Ertas spoke on behalf of the applicant who was unable to attend the meeting. He highlighted that the applicant had met with the Police to discuss their concerns, and as a result of this meeting, had reduced the hours of the licensing application. He emphasised that the applicant was happy to consult with and to take advice from the Police. Mr Ertas explained that the applicant intended to concentrate on selling mainly wine, although other types of alcohol would also be on sale. The applicant already operated two other off-licences in the Brighton and London areas. He confirmed that the applicant would be applying for planning permission for change of use. With regard to the cumulative impact issue, Mr Ertas stated that he considered that an off-licence would not adversely impact on crime levels in the area. He also suggested that having an operating business would improve the area, as the premises had remained vacant for a number of years.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made and the matters raised during the hearing. 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 Sub-Committee concluded that it would grant the application for a new premises licence for the following reasons. In coming to its decision, the Sub Committee considered that the closing time of 2300 would avoid adding to crime and disorder, and anti-social behaviour associated with people leaving late-night licensed premises in the vicinity. Members were satisfied that the Police assessment, together with the applicant's acceptance of their required conditions, would avoid impact on Police resources in the area. The Sub-Committee recognised that the requirement for a planning application would be necessary for a change of use.

RESOLVED:

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

Operating Hours

1. The hours the premises may be used for the sale of alcohol shall be:

(i) Monday to Sunday 0800 to 2300

For consumption off the premises.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with all levels of illumination throughout the premises as well as outside areas.
2. CCTV warning signs shall be fitted in public places.
3. The CCTV system shall be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
4. The recording system shall be able to capture a minimum of 4 frames per second and all recorded footage shall be securely retained for a minimum of 28 days.
5. Records shall be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
6. The DPS or premises manager shall be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
7. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered shall be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD shall also have a copy of the CCTV system software enabled on the disc to allow playback.
8. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS shall report the failure to the Police Licensing Unit within 24 hours

Public Safety

None

Public Nuisance

None

Protection of Children

1. A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

2. The refusals log shall be kept and maintained at the premises and shall be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
3. The record of refusals shall be retained for 12 months.
4. There shall be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
(See Mandatory Conditions 8 and 9)
5. Acceptable identification for the purposes of age verification shall include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.
6. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol shall be made to or for that person.
7. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
8. Staff shall be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records shall be kept of such training which must be signed and dated by the member of staff who has received that training.
9. All staff shall receive refresher training every six months as a minimum and records shall be kept of this refresher training which shall be signed and dated by the member of staff who received that training.

2. **NEW PREMISES LICENCE – SAINSBURY BISHOPS WALTHAM, FORECOURT SHOP**
(Report LR407 refers)

The Sub-Committee noted that the applicant had withdrawn this item immediately prior to its consideration at the meeting and therefore the Chairman agreed to remove the Report from the agenda.

The meeting commenced at 10.00am and concluded at 10.50am.

Chairman