

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'C'
21 JUNE 2010

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
29 JULY 2010

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Victor Duckett Cllr John Sandy
Cllr Peter Isherwood
* Present

The Head of Democratic & Legal Services advised that Cllrs Peter Isherwood and John Sandy had been unable to attend the meeting and *Cllrs Mrs Gillian Beel and *Bryn Morgan had been appointed to attend on their behalf.

Cllr Mrs Patricia Ellis was in attendance.

8. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee C.

9. MINUTES (Agenda Item 2)

The minutes of the meeting held on 10 May 2010 were confirmed and signed.

10. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'C'.

PART II – Matters reported in detail for the information of the Committee

11. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – E.J.NASH NEWSAGENTS, 53 WILLOW WAY, FARNHAM, SURREY GU9 0NT

11.1 The Chairman introduced the title of the application under consideration and explained the intention of the hearing.

11.2 The Licensing Manager outlined the application for the sale of alcohol for consumption off the premises at E.J.Nash Newsagents a retail premises

(convenience store), which currently sells a range of confectionary, newspapers, cigarettes and other goods.

- 11.3 The application had been advertised as required and forty-five objections had been received from interested parties. Nine objectors were present at the meeting.
- 11.4 The barrister representing the applicant then outlined the application and explained that the application had been amended following discussion with Surrey Police and the hours that alcohol could be sold had been reduced to 0900-2000 hours. The shop opening hours had also been amended to 0530-2000 hours.
- 11.5 Following questions from the Sub-Committee the applicant's barrister said that spirits would only be available from behind the counter and that other alcohol would be in shuttered cabinets and locked during non-permitted hours. The applicant would also only permit three school children in the shop at any one time and would request that any youths congregating outside the shop would be asked to move on.
- 11.6 The objectors to the application then made their representations. In their opinion they considered that the sale of alcohol from this premises was a risk for schoolchildren who regularly used the shop and was inappropriate for a residential area and would create a noise and litter nuisance.
- 11.7 The objectors were concerned that the problems experienced with the congregation of youths, noise nuisance and litter that existed when a licensed supermarket existed on the site some years ago would return if the shop were licensed to sell alcohol.
- 11.8 The objectors considered that it was unacceptable for the shop to open for the sale of alcohol on Christmas Day as this could impact on their enjoyment of the day because of increased traffic and noise nuisance from customers.
- 11.9 To address the concerns of the objectors the applicant's barrister then advised that his clients would prohibit the sale of alcohol during 1500-1600 hours when children were likely to be passing to and from school, but he would be prepared to extend this time. The applicant would also be prepared to close the shop at 1800 hours to alleviate the potential for the congregation of youths around the shop in the evening.
- 11.10 The applicant's barrister reiterated his previous statement that no representations had been received from the relevant authorities and that should any of the issues raised by the objectors occur in the future, a review could be called that could lead to the possible revocation of the licence. He also said that the applicant had listened to the concerns of the local residents and had offered to reduce the hours for the sale of alcohol, reduce the shop opening hours and to close on Christmas Day.

11.11 The objectors were concerned that if the licence was granted the problems previously experienced around twenty years ago when a mini-market in the same location was licensed to sell alcohol would return and that the sale of alcohol from the shop would present a risk to the schoolchildren passing by and using the premises.

Having received the closing statements from all parties, the Sub-Committee then withdrew at 11.58 am.

Following the Sub-Committee's deliberation the meeting resumed at 14.20 pm.

The Chairman of the Sub-Committee informed the hearing that during the Sub-Committee's deliberations the Council's Solicitor was asked to advise the Sub-Committee on the law and to assist the Sub-Committee to formulate their reasons.

The Sub-Committee considered that this application conflicted with the Licensing Objectives relating to:

- Prevention of Crime & Disorder (LO1)
- Prevention of Nuisance (LO3)
- Prevention of Children from Harm (LO4)

The Sub-Committee however considered that the concessions offered by the applicant assisted in overcoming the Sub-Committee's concerns. However, the premise is in close proximity to a school and in a predominantly residential area comprising families with young children and the shop had an established use of children making purchases.

By majority the Sub-Committee RESOLVED to grant the licence subject to the following conditions, in addition to those offered by the applicant on page 19 of the agenda papers:

1. All alcohol should be accessible only from behind the counter and only for sale during the hours of 0900-1200; 1300-1500; 16.30-1800 to reduce the potential for theft of alcohol, and the likelihood of children being present in and outside the shop when alcohol is being sold to adults (LO4).

This would also assist to limit the potential for nuisance towards children caused by adults purchasing alcohol at the shop on behalf of under-age people (LO3).

2. The cessation of sale of alcohol at 1800, in order to reduce the potential for disorderly behaviour in the vicinity (LO1).
3. Opening hours to be reduced to 0530-1800 and the shop to be closed for all sales between 00.00-23.59 Christmas Day.
4. CCTV shall be installed prior to the commencement of the sale of alcohol (LO1 and LO3)

The concerns raised had been taken into account and the Sub-Committee reminded the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact the licensing authority with complaints over the operation of premises, which could lead to a possible review of the premises licence.

The meeting commenced at 10.00 am and concluded at 14.23 pm.

Chairman