

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 11 MARCH 2013

Councillors Present: Paul Bryant (Chairman), Geoff Mayes and Andrew Rowles

Substitute: Peter Argyle

Also Present: Sharon Gavin (Technical Officer - Licensing), Amanda Ward (Licensing Officer), Ella Whitehead (Solicitor) and Stephen Chard (Policy Officer)

PART I

1. Declarations of Interest

There were no declarations of interest received.

2. Application No. 13/00192/LQN - Martin's, 11 High Street, Lambourn, Hungerford RG17 8XL

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 13/00192/LQN in respect of Martin's, 11 High Street, Lambourn, Hungerford, RG17 8XL.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council) and David Crank (Applicant's Solicitor) addressed the Sub-Committee on this application.

Ms Ward, in addressing the Sub-Committee, raised the following points:

- The Licensing Authority received an application for a new premises licence under Section 17 of the Licensing Act 2003. The applicant was Martin McColl Limited.
- The application sought to add the Regulated Activity of the Sale of Alcohol off the premises between the hours of 0530 to 2300 Monday through to Sunday. The proposed opening times of the premises were 0530 until 2300.
- The consultation period ran from 28 January 2013 until the 24 February 2013. The application had been advertised by placing a Blue Notice at the premise and by advertising in the Newbury Weekly News on 31 January 2013.
- During the statutory consultation period of 28 days representations were received from:
 - Thames Valley Police - a Responsible Authority
 - Lambourn Parish Council
 - Mildred Reith – Resident
 - S Y Halifax – Resident
 - Ms D Robinson - Resident
- Thames Valley Police subsequently advised the Licensing Authority on 6 March 2013 that they had negotiated with the applicant the start time from 0530 to 0800 for the sale of alcohol together with agreed conditions. However, the Licensing Authority did not receive a copy of any agreed conditions. Ms Ward was therefore unable to confirm any conditions put forward by the Police. In addition, the Licensing Authority had not received any confirmation from the applicant that conditions or a later start

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date had been agreed. The Thames Valley Police Licensing Officer would not be attending today's Sub-Committee.

In response to a question from Councillor Paul Bryant, Amanda Ward confirmed that there were two other local off licences in the vicinity of the premise but could not confirm their opening times.

Mr Crank, in addressing the Sub-Committee, raised the following points:

- He was able to provide the conditions agreed with Thames Valley Police and believed that they had been sent to West Berkshire Council by the Police.

Ella Whitehead confirmed the Sub-Committee was able to consider the draft conditions and the Sub-Committee was adjourned to allow Members time to read them. Mr Crank also took the opportunity to review the representations received in full.

Mr Crank, in continuing to address the Sub-Committee, raised the following points:

- Martin McColl Ltd was a national company which operated many premises licensed to sell alcohol. Martin McColl Ltd was in the process of upgrading its stores for the greater convenience of its customers which included the sale of alcohol in a wider number of stores.
- Approval of the application would require the employment of an additional individual.
- The representations had been noted, but it was hoped that the operating schedule that the company would adhere to would alleviate concerns and be in line with the Licensing Act's four objectives.
- In terms of the specific procedures/conditions agreed with Thames Valley Police, these included:
 - The installation of CCTV cameras which would be linked to the head office of Martin McColl Ltd, with footage viewable at the store. The cameras would be positioned to cover the entry/exit point of the store, till area and the area where the alcohol would be displayed.
 - An electronic, interactive till system was in place. This prompted members of staff when selling an age restricted product to challenge customers in line with the Challenge 25 procedure which was already in place for the sale of tobacco products. If a customer was unable to provide identification on being challenged then the sale would be refused. This would be recorded on the till system and monitored by the Store Manager. The requirement to adhere to the Challenge 25 procedures was contained in the contract of employment for staff and failure to adhere to this was considered gross misconduct.
 - Staff authorised to retail alcohol would receive appropriate training as part of their induction which would be refreshed on a six monthly basis. Staff were required to pass a test as part of this. Martin McColl Ltd conducted their own test purchasing.
 - A revised start time of 0800 had been agreed with Thames Valley Police. On the basis of Martin McColl Ltd's co-operation, Thames Valley Police had withdrawn their objection to the application.
- In terms of the other representations received, it was understood that changes could create concerns but it was hoped that the smooth running of the store would alleviate these.
- A common concern raised was the number of other establishments licensed to sell alcohol in the area, but this was not within the remit of the Sub-Committee.

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- A lack of car parking was highlighted, however there was a car park and potential for on street parking. Illegal parking could be addressed.
- Lambourn Parish Council had raised concern with regard to the layout of the shop not being conducive to selling alcohol under controlled conditions. In response, Mr Crank explained that Martin McColl Ltd was experienced in converting their stores and a proposed plan for the Lambourn store was included in the agenda pack. Alcohol would be positioned under the observance of staff.
- In terms of the concerns raised with regards to a potential increase in incidents of anti-social behaviour, Thames Valley Police were content to withdraw their objection subject to conditions. Therefore while concerns of residents and the Parish Council were genuine, there was no evidence to support their objections.
- It was hoped that the measures outlined including the revised opening hours for the sale of alcohol and staff training as well as the applicant's willingness to work with the Local Authority would lead to the application being granted.

A query was raised with regard to the layout proposed for the store should approval be granted. Mr Trevor Fry, Area Manager for Martin McColl Ltd with responsibility for the Lambourn area, referred Members to the plan contained within the agenda pack and confirmed there would only be one entrance/exit.

Mr Fry also confirmed that as part of the Challenge 25 Policy, staff would not sell alcohol to customers who were clearly intoxicated.

The Sub-Committee retired at 2.25pm to make its decision.

Having taken the representations into account, including the written representations made by Mildred Reith, SY Halifax, Ms D M Robinson and Lambourn Parish Council, the Licensing Sub-Committee **RESOLVED** that the Application be granted, subject to:

The start time for the supply of alcohol being amended from 0530am to 0800am. This amendment was agreed between the applicant and Thames Valley Police before the hearing. The application was also granted subject to a number of conditions that were agreed between the applicant and Thames Valley Police prior to the hearing. Thames Valley Police withdrew their representation due to the agreement that had been made between them and the applicant.

The reason that the Sub-Committee decided to grant the premises licence, subject to the amended time and conditions, was because the Sub-Committee was of the view that the concerns raised in the representations could be adequately controlled by the conditions that were offered.

Conditions

Conditions added to further the objective of Public Safety:

1. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail.

All visits by an enforcement authority shall be recorded and weekly review of the incident book shall be carried out and signed off by DPS. The incident book shall be retained for a period of six months and shall be made available on request to any authorised Officer of Thames Valley Police or an authorised Officer of West Berkshire Council.

Refusals of service shall be recorded electronically on the till and a record shall be available to be printed off on request to an authorised Officer of Thames Valley Police or an authorised Officer of West Berkshire Council.

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2. A CCTV system shall be installed, in accordance with current or amended Home Office Guidelines relating to the UK Police Requirements for Digital CCTV Systems. The system shall be maintained and operated correctly to the satisfaction of Thames Valley Police, ensuring **ALL** licensed areas of the premises are monitored, including all entry and exit points enabling frontal identification of every person entering in any light condition.

All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to an Officer of Thames Valley Police or an authorised Officer of West Berkshire Council. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable. Recordings shall be made available to an authorised officer of Thames Valley Police or an authorised Officer of West Berkshire Council together with facilities for immediate viewing.

The recordings for up to the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available upon 24 hours notice. Copies will be supplied on disc from Martin McColl Ltd Head Office within 48 hours of the content being requested.

A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.

3. The Premise Licence Holder shall ensure that staff authorised to retail alcohol shall receive training on a regular basis, every six months, in relation to the Four Licensing Objectives contained within the Licensing Act 2003. Written training records shall be kept, signed off by the members of staff and maintained. These records shall be made available to any authorised Officer of Thames Valley Police or an authorised Officer of West Berkshire Council.

Conditions added to further the objective of Protection of Children from Harm

1. The premises shall at all times operate a challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to staff members to be under the age of 25 years without having first provided identification.

Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "PASS" hologram are to be accepted as identification.

Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise.

(The meeting commenced at 2.00pm and closed at 2.25pm)

Name

Date of Signature

Name

Date of Signature

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Name

Date of Signature