

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 JANUARY 2014

Councillors Present: Jeff Beck (Chairman), Billy Drummond and Mollie Lock

Substitute: Manohar Gopal

Also Present: Liz Patient (Solicitor) and Amanda Ward (Licensing Officer), Jude Thomas and Jo Watt (Member Services Officer)

PART I

1. Declarations of Interest

There were no declarations of interest received.

2. Application No. 13/01970/LQN - (Co-Op 35 Pound Street Newbury RG14 6AE)

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 13/01970/LQN in respect of Co-Op 35 Pound Street, Newbury, RG14 5AE.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Jon Wallsgrove (Solicitor for the Applicant), Gareth Lewis, (Applicant) and Mr Shamim Ahmed and Mr Ahab Hussain (Objectors) addressed the Sub-Committee on this application.

Ms Sharon Gavin (Technical Officer, Licensing) and Mr Alex Kirk (Legal Services) representing West Berkshire Council observed the Sub-Committee.

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

- On 26th November 2013, the Licensing Authority received an application for a New Premises licence under section 17 of the Licensing Act 2003 in respect of the Co-op, 35 Pound Street, Newbury, Berkshire. RG14 6AE. The applicant was The Southern Co-operative Limited.
- The application sought to include the Regulated Activity of the Supply of Alcohol off the premises between the hours of 08:00 to 23:00 Monday through to Sunday. The proposed opening times of the premises would be 06:00 to 23:00.
- The statutory consultation period had run from 27th November 2013 until 24th December 2013. The application had been advertised by placing a blue notice at the premise and by advertising in the Newbury Weekly News on 28th November 2013.
- During the 28 day consultation period, representations consisting of a petition signed by 58 members of the Bangladesh Welfare Centre, Newbury, organised by Mr Ahab Hussain (Chairman), was received.
- No mediation had taken place as the applicants required the Regulated Activity and the hours of opening as applied for, and wished the Licensing Sub-Committee to determine the application.

Mr Jon Wallsgrove, Solicitor for the applicant, in addressing the Sub-Committee, raised the following points:

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- The Southern Co-operative Ltd operated over 160 convenience stores in the South of England and was a separate company to the main Co-operative company based in Manchester. The distinction was important as the company had full decision making powers over the way the business was run. The premises in question would be a traditional convenience store selling food, magazines, household goods and alcohol. The sale of alcohol would form a small but crucial part of the business.
- All staff would undergo thorough training in respect of the sale of age restricted products, including alcohol. Training would include computer based sessions on a 1-1 basis with a manager. Staff would have to pass the test at the end of the training before they could work on the tills. In addition, unique staff codes inputted into the tills would prevent untrained staff from selling age restricted products. This training would be repeated every four months.
- The Challenge 25 policy would be adopted and managers would be required to undergo Southern Co-operative's own training in respect of the sale of age restricted products. In addition, a hard-backed refusals book would be kept to maintain a record of attempts to purchase alcohol under age and CCTV would be in operation both within the store and outside the front of the store. Spirits would be stored behind the counter and other alcoholic products such as beers and wines would be located in aisles adjacent to the tills.
- Southern Co-operative had a history of working closely with responsible authorities including the police in other locations. It was important to note that the police had raised no concerns in respect of this application.

In response to a question from Councillor Jeff Beck, Mr Gareth Lewis, representing Southern Co-operative, said that decisions regarding the use of the car park at the rear of the premises had yet to be made but consideration would be given to the use of CCTV if that was possible.

In response to a question from Councillor Billy Drummond, Mr Lewis confirmed that all staff would receive conflict resolution training to deal with customers who appeared to be under the influence of alcohol. In addition, managers would undertake nationally recognised training for licensees.

Mr Ahbab Hussain, an objector in addressing the Sub-Committee, raised the following points:

- As Chairman of the Bangladesh Centre, he had no objection to the proposed shop itself but did object to the sale of alcohol on religious grounds.

Mr Shamim Ahmed, an objector in addressing the Sub-Committee, raised the following points:

- As Secretary of the Bangladesh Centre, he said that users of the centre had experienced alcohol related problems on a fairly frequent basis (approximately once every three months). This included an empty alcohol can being thrown into the centre during prayer time at Ramadan. In addition, the police were often involved in alcohol related incidents at the small Off Licence store at the end of the Pound Street.
- The proposed timings for the sale of alcohol were excessive and the requested finish time of 23:00 was quite late.
- Women and children used the centre five days a week.
- The residents of numbers 23 and 27 Pound Street also objected to the proposed sale of alcohol.

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In response to questions from Councillor Jeff Beck, the objectors confirmed that they understood that the proposed sale of alcohol would be for consumption off the premises. They also confirmed that the 58 people who signed the petition were all users of the Bangladesh Centre and lived locally.

In response to a question from Councillor Billy Drummond, the objectors confirmed that Mr Lucky Nizami, a fellow objector who was not in attendance was the owner of Lucky's restaurant.

In response to a question from Mr Jon Wallsgrave, the Solicitor for the applicant, the objectors said that all the users of the Bangladesh Centre (up to 200 people on a Friday) had been given the opportunity to sign the petition. However, as they had been asked to sign the petition on a prayer day which was extremely busy, most people were in a hurry when arriving and leaving and therefore only 58 people had actually signed.

Following clarification questions from Councillors Jeff Beck and Mollie Lock, Mr Lewis the applicant confirmed that, in principle, they would be prepared to provide lighting and CCTV in the car park. The Sub-Committee felt this would allay some anxiety regarding the application.

The Sub-Committee retired at 10.48 am to make its decision.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application No 13/01970/LQN (Co-op 35 Pound Street, Newbury. RG14 6AE) be granted.

(The meeting commenced at 10.15 am and closed at 10.48 am)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature