

DRAFT

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 8 SEPTEMBER 2014

Councillors Present: Paul Bryant, Mollie Lock (Chairman) and Geoff Mayes

Substitute: Manohar Gopal

Also Present: Sarah Clarke (Legal Services) and Amanda Ward (Licensing Officer), Jude Thomas

PART I

1. **Declarations of Interest**

There were no declarations of interest received.

2. **Application No. 14/01185/LQN Sainsbury's, 2 Coombe Square, Chapel Street, Thatcham**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application No.14/01185/LQN submitted by Sainsbury's Supermarkets Ltd in respect of premises at 2 Coombe Square, Chapel Street, Thatcham RG19 4JF.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council) and Robert Botkai, Joanne Surguy and Robin Ockenden (representing the Applicant) and Mrs Shirley Clarke (objectors) addressed the Sub-Committee on this application.

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

- West Berkshire Council's Licensing Service received an application made under Section 17 of the Licensing Act 2003 for a new premises licence to be granted for Sainsbury's Supermarket Limited.
- The application was accepted on 17th July 2014.
- The responsible authorities were also advised of the application on 17th July 2014.
- The application was for the sale, by retail, of alcohol (for consumption off the premises) - Monday to Sunday from 0700 to 2300 hours.
- The 28 day consultation period ran until 14th August 2014. The application was advertised in accordance with the regulations with blue notices displayed at the premises (witnessed by an officer on 30th July 2014) and by publishing a notice in a local newspaper, the Newbury Weekly News, on 24th July 2014.
- During the statutory consultation period of 28 days, eighteen representations were received from residents, who objected to the application based on a combination of the four licensing objectives; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- No representations were received from Responsible Authorities.
- There had been some discussion between Ian Wootton Commissioning Manager (Substance Misuse) from the Council's Public Health and Wellbeing team and the

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applicant's solicitors but no formal representation was made to the licensing authority against the application.

Mr Robert Botkai (on behalf of the Applicant), in addressing the Sub-Committee, raised the following points:

- That this was not an application for Planning but for a licence to sell alcohol.
- Robin Ockendon, the Acquisition Manager for Sainsbury's, had had some useful meetings with local residents and, as a result, Sainsbury's proposed an amendment to the licensing hours, reducing them to 0800 to 2200 hours.
- Mr Botkai emphasised the fact that, although under legislation, the police were the main source of advice regarding issues of crime and disorder for such applications, no objections had been received and that the reduced hours of alcohol sales were, therefore, a voluntary concession to residents.
- With regard to the concern that there would be an increase in traffic, Mr Botkai stated that he did not believe this to be the case but that if it were, this was a Planning rather than Licensing issue.
- Thirteen parking spaces would be provided for the store and this was significantly greater than the number provided at similar stores.
- Rubbish bins would be provided in the vicinity to address issues of additional litter.
- There was no evidence to suggest that the granting of the licence would result in additional anti-social behaviour and the police had not objected to the licence on these grounds.
- With regard to concerns about children being able to buy alcohol, Sainsbury's had clear policies and training programmes, including Challenge 25, to avoid under-age alcohol sales including proxy sales.
- There was no evidence to suggest that there would be an increase in prices of alcohol in the area.
- There was no requirement on Sainsbury's to demonstrate a need for the store or licence.
- There was no reason to believe that the granting of the licence would create a problem in the park. If this had been a concern, the police would have made a representation.
- There was no reason to suggest that problems would migrate from the Broadway to this area as a result of the licence.
- There was no evidence that parents would be afraid to let their children play in the gardens, if a licence was granted.
- The concerns of the residents were understandable but were based on 'what might happen' rather than proven issues.
- Staff would be discouraged from parking in the parking spaces and surrounding area but would be encouraged to use public transport to travel to work.
- The Licensing Act 2003 ensured that residents would have further rights in future to ask for the licence to be reviewed, if issues arose, but this had never happened to Sainsbury's in the past.
- Mr Botkai asked, on behalf of the Applicant, that the licence be granted.

The Sub-Committee had no questions for the Applicant.

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In response to a question from Mrs Shirley Clarke (objector), regarding issues at the park, Mr Botkai confirmed that whilst he had not visited the park himself, the Responsible Authorities had been consulted and had not raised any concerns.

Mrs Clarke also asked whether staff were fully trained in identifying potential under-age sales and Mr Botkai confirmed that Sainsbury's adhered to the Challenge 25 programme and that every cashier was trained to challenge customers that looked under 25 years of age and that this training was updated every six months. In addition, staff wore Challenge 25 badges and signs were displayed throughout the store. Mr Botkai also stated that the tills prompted cashiers to check whether the customer was over 25 years of age when alcohol was scanned.

In response to a question from Mrs Clarke regarding proxy sales, Mr Botkai explained that CCTV would be in operation at the front of the store and the car parking area and that staff were trained to be aware of the risk of proxy sales.

Mrs Shirley Clarke (objector) in addressing the Sub-Committee, raised the following points:

- She appreciated the proposed reduction in licensing hours and would inform fellow residents.
- Residents had worked hard to improve the local area and she was concerned that these improvements were not jeopardised.
- She remained concerned about the impact on parking in the area as there were already problems.
- She also remained concerned about anti-social behaviour in the park as there were existing issues and she had seven URNs from the police for incidences between the end of January and mid-August of that year.

In response to a question from Councillor Geoff Mayes as to whether all these incidents were alcohol related, Mrs Clarke stated that they referred to incidents involving alcohol, drugs, noise and fires.

Councillor Mayes also asked if the park was fenced and gated at night. Mrs Clarke confirmed that it was fenced.

Councillor Paul Bryant asked whether, from Sainsbury's, the park was accessed via Coombe Square. Mrs Clarke confirmed that it was not but rather from the A4, some twenty or 30 yards away.

Councillor Bryant also asked if the park was privately owned and Mrs Clarke confirmed that she was unclear on the details but believed it to be owned by a trust.

Councillor Bryant further asked if the incidences detailed in the URNs had led to prosecution but was advised by the Council's solicitor that Mrs Clarke was not in a position to confirm this.

There were no further questions from Members or the Applicant.

In his closing remarks, Mr Botkai, on behalf of the Applicant, confirmed that the park was gated, not accessed from Sainsbury's but from the A4 and that there were other stores in the vicinity of the park, from which alcohol could be purchased.

He concluded that, whilst he understood the concerns of the residents, the Applicant had listened and responded by reducing the hours of alcohol sales in the license application, but that there was no reason or evidence to suggest that the granting of a licence to Sainsbury's would create a problem locally.

The Sub-Committee retired at 2:40pm to make its decision.

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Having taken the representations into account, including the written representations made by eighteen residents, the Licensing Sub-Committee **RESOLVED** that Application reference 14/01185/LQN be granted, as amended with regard to the reduced hours (08:00 hours to 22:00 hours) during which the supply of alcohol will take place and subject to the conditions set out in the operating schedule and any relevant mandatory conditions as prescribed by the Licensing Act 2003 or secondary legislation.

(The meeting commenced at 2.00 pm and closed at 2.40 pm)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature