

# **LICENSING SUB-COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 1 OCTOBER 2014**

**Councillors Present:** Adrian Edwards (Chairman), Geoff Mayes and Andrew Rowles

**Substitute:** Manohar Gopal

**Also Present:** Elizabeth Varcoe (Solicitor) and Amanda Ward (Licensing Officer) and Jo Watt (Member Services Officer)

### **PART I**

#### **1. Declarations of Interest**

There were no declarations of interest received.

#### **2. Application No. 14/01298/LQN- 61 Station Road, Thatcham**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application No.14/01298/LQN submitted by Mr Rajinder Singh Bhandal in respect of premises at 61 Station Road, Thatcham, RG19 4PZ.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Mr Rajinder Singh Bhandal (Applicant) and Mr Surendra Panchal of Personal Licence Courses Ltd (representing the Applicant) addressed the Sub-Committee on this application. The Sub-Committee also gave consideration to the written representations of Mr and Mrs J Thompson (Objectors) who did not attend the hearing and Mr Thompson confirmed prior to the hearing that they would not be attending.

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 to Mr Rajinder Singh Bhandal for Thatcham Wine Store, 61 Station Road, Thatcham, RG19 4PZ.
- The application was accepted on 12<sup>th</sup> August 2014.
- The Responsible Authorities were also advised of the application on 12<sup>th</sup> August 2014.
- The application was for the sale of alcohol (for consumption off the premises) – Monday to Sunday from 08:00 to 23:00 hours.
- The 28 day consultation period ran until 10<sup>th</sup> September 2014. The application was advertised in accordance with the regulations with blue notices displayed at the premises (witnessed by an officer on 15<sup>th</sup> August 2014) and by publishing a notice in a local newspaper, the Newbury and Thatcham Chronicle on Thursday 21<sup>st</sup> August 2014.
- During the statutory consultation period of 28 days, one objection was received from Mr and Mrs J Thompson, local residents.
- Following consultation with the Responsible Authorities, Mr Ian Wootton from the Public Health and Wellbeing and Local Safeguarding Children Board requested a change to the start time of the sale of alcohol given the close proximity of the

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proposed premises to a school and sixth form college. Following mediation, the applicant agreed to reduce the licensing hours for the sale of alcohol by one hour to commence at 09:00 rather than 08:00. With the agreement of the Sub-Committee, copies of the email representation from Mr Wootton were circulated to all the parties present. The agent for the applicant confirmed that the applicant was happy to amend the start time for the sale of alcohol as outlined above.

- No other representations had been received from the Responsible Authorities.

Mr Surendra Panchal (representing the Applicant), in addressing the Sub-Committee, raised the following points:

- The proposed premises would be a family business. The applicant's son had owned a similar shop for the past five years in which the applicant, Mr Rajinder Singh Bhandal worked. There had been no offences under the Licensing Act with respect to the existing family business and the applicant had a full understanding of the relevant licensing legislation and in particular the four licensing objectives. Mr Panchal went on to give the Sub-Committee examples of how the applicant would robustly promote the four objectives.
- With regard to the Prevention of Crime and Disorder objective and Public Safety objective, CCTV would be in operation in the shop 24 hours a day. Signs would be displayed in the shop to say CCTV was in operation and alcohol would not be sold if the CCTV was not working. Clear signage would also be displayed outlining the opening and closing times of the premises and the times when alcohol was permitted for sale.
- With regard to the Prevention of Public Nuisance objective, notices would be displayed in the premises, asking customers to leave quietly and to have consideration for local residents.
- With regard to the Prevention of Children from Harm objective, the premises would operate a Challenge 25 policy rather Challenge 21 which meant that anyone deemed to be aged 18 – 25 would be asked to provide photographic identification such as a UK Driving Licence, Passport or Citizens Card. All staff would be trained to operate this policy. A refusals book would also be kept on site for inspection by the Police and Licensing Officers as necessary. An incident book would also be maintained.
- A full training manual would be available for all staff to use. The manual was made available for the Sub-Committee to view. The Designated Premises Supervisor (DPS) would train all staff before they commenced their employment. The consent of the DPS and any consents made by him/her would be included in the training manual. Any member of staff who sold alcohol to anyone under the age of 18 would be instantly dismissed.
- The concerns of the objectors had been taken on board by the applicant and agent. However, as the premise was not yet in operation, there was no evidence that the applicant had failed to meet the licensing objectives in any way.

In response to a question from Councillor Geoff Mayes, Mr Bhandal the applicant confirmed that the premises were currently empty and trading was not taking place.

In response to a further question from Councillor Geoff Mayes regarding reducing the finish time for the sale of alcohol from 23:00 to 22:00, Mr Panchal said that there was no evidence that the applicant would not comply with the relevant licensing legislation and therefore he felt it was not necessary to reduce the finish time. In addition, as a small business, the extra hour of sales would be helpful.

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In response to questions from Councillor Adrian Edwards regarding the applicant employing staff under the age of 25 or under the age of 18 and how they would deal with the sale of alcohol, Mr Panchal said that all staff would have an hours training initially. If they then became permanently employed they would receive more in depth training with a view to them obtaining a personal licence. Mr Panchal added that the applicant would prefer not to have anyone under the age of 18 selling alcohol, however it might be necessary as a last resort, if they were working in the store in a stacking or cleaning role.

In the absence of the Mr and Mrs Thompson, the objectors, Councillor Adrian Edwards, Chairman, asked the Sub-Committee to consider their written representation.

Councillor Andrew Rowles said that the objector’s main concern was the protection of children from harm and he was satisfied with the measures that the applicant had put forward. Councillor Edwards added that if the objectors had been present he would have asked them about any other concerns they had in respect of all four of the licensing objectives.

In response to a question from Councillor Adrian Edwards, Mr Panchal said that the applicant had not made contact with the objectors and in accordance with the licensing legislation was not permitted to do so without prior agreement. However, if the licence was granted then the applicant would contact the objectors to introduce himself and try to allay any concerns they had.

In summing up, Mr Panchal referred the Sub-Committee to the findings of a recent national survey that found that underage drinking was at a record low level due to the training undertaken to prevent under age sales.

The Sub-Committee retired at 2.20 pm to make its decision.

Having taken the representations into account, including the written representations made by Mr and Mrs J Thompson, the Licensing Sub-Committee **RESOLVED** that Application No.14/01298/LQN be granted, subject to the conditions set out in the operating schedule, as amended by the Applicant and detailed below, as well as the relevant mandatory conditions of the Licensing Act 2003 or secondary legislation.

The amendment to the operating schedule is as follows:

**Box J: Supply of Alcohol**  
Monday-Sunday 09:00 – 23:00

*(The meeting commenced at 2.00 pm and closed at 2.20 pm)*

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....