

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 17 MARCH 2015

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

Substitute: Adrian Edwards

Also Present: Emilia Matheou (Environmental Health & Licensing) and Elizabeth Varcoe (Solicitor), Jo Watt (Member Services Officer)

PART I

3 **Declarations of Interest**

Councillor Adrian Edwards declared an interest in Agenda Item 2 (1) by virtue of the fact he was a BP(British Petroleum) share holder, and reported that, as his interest was personal he would remain in the meeting as a substitute member of the Sub-Committee and would take part in the meeting if he was required to do so.

4 **Application No. 15/00167/LQN - BP Calcot Express, Bath Road, Calcot, RG31 7QN**

(Councillor Adrian Edwards declared an interest in Agenda Item 2 (1) by virtue of the fact he was a BP(British Petroleum) share holder, and reported that, as his interest was personal he would remain in the meeting as a substitute member of the Sub-Committee and would take part in the meeting if he was required to do so.)

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 15/00167/LQN in respect of BP Calcot Express, Bath Road, Calcot, RG31 7QN.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr Stewart Gibson of GP Retail services Ltd (representing the applicant), Mr Joyce (objector), Councillor Jean Gardner of Tilehurst Parish Council (objector) and Councillor Brian Bedwell (Ward Member) addressed the Sub-Committee on this application.

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

- West Berkshire Council's Licensing Team received an application made under Section 34 of the Licensing Act 2003 to vary the premises license for BP Calcot Express (shop), Calcot, Reading.
- The application was accepted on 29th January 2015 and the responsible authorities were advised of the application by email the same day.
- The variation application was for the sale, by retail, of alcohol (for consumption off the premises) – twenty four hours per day, 7 days per week.
- The times on the existing premises licence for the supply of alcohol for consumption off the premises was Monday to Sunday 08:00 to 23:00.
- The 28 day consultation period ran until 27th February 2015.

LICENSING SUB-COMMITTEE - 17 MARCH 2015 - MINUTES

- During the statutory consultation period of 28 days, two representations had been received; the first, from Mr Joyce (local resident) with accompanying petition and the second from Tilehurst Parish Council.
- The application had been advertised in accordance with the regulations with blue notices displayed at the premises, witnessed by an officer on 30th January 2015 and by publishing a notice in a local newspaper, the Reading Chronicle on 5th February 2015.
- The objections to the application were based on a combination of the licensing objectives.
- No representations had been received from the Responsible Authorities.
- There was nothing on record to indicate any mediation had taken place.
- Mr Gibson, the applicant's agent, in addressing the Sub-Committee, raised the points below. Mr Jeagatheshcumar Veeraththipillai, the Designated Premises Supervisor and Mr Kris Navaratnam, the owner of the site were also in attendance and answered questions put by the Sub-Committee and Objectors.
- The application was to vary the existing licence for the sale of alcohol for consumption off site from 08:00 to 23:00 to twenty four hours a day at the Londis Convenience store on the BP forecourt site.
- All sales between the hours of 23:00 and 06:00 were currently conducted through the night service hatch with absolutely no entry to the shop by customers during that time. This practice would continue if members were minded to approve the application.
- CCTV was in operation and trained on the night service hatch point of purchase with the images being recorded between the hours of 23:00 and 06:00.
- The shop and petrol station was currently trading twenty four hours a day.
- Based on the experience at other petrol stations, a twenty four hour alcohol licence did not add to the overall customer count (and an associated increase in traffic and noise) but meant that existing customers would have the opportunity to purchase alcohol if they wished to do so thus adding to the basket spend which would be of benefit to the store owner.
- As customers would not have access to the shop between the hours of 23:00 to 06:00, any purchases would need to be pre planned as they would not be able view the merchandise and make impulse buys. Any purchases would also have to fit through the night service hatch.
- The use of the night service hatch also meant that customers would have to ask the shop assistant for what they wanted which would discourage anyone under the influence of alcohol making alcohol purchases. Anyone suspected to be under the influence of alcohol would be refused the sale of alcohol.
- The objections that had been put forward, (based on the four licensing objectives) were based on the assumption of what might happen with no semblance of fact to guide that assumption. There was no evidence of problems such as anti social behaviour currently occurring at the site and this was supported by the lack of representation from the Police and Environmental Health.
- The main objectors appeared to be one local resident and Tilehurst Parish Council rather than any of the residents from the home for elderly people adjacent to the site.

LICENSING SUB-COMMITTEE - 17 MARCH 2015 - MINUTES

- The petition that had been submitted by Mr Joyce (the objector) should be disregarded by the Sub-Committee as it did not contain the addresses of the signatories and did not make reference to the four licensing objectives on the top of each page.
- In terms of mediation, a letter had been sent to the Clerk of Tilehurst Parish Council but a reply had not been received. A letter had also been sent to Councillor Brian Bedwell the Ward Member and he had replied to say he was representing the views of the local residents who had expressed their concerns.

In response to a question from Councillor Andrew Rowles, Mr Jeagatheshcumar Veeraththipillai the Designated Premises Supervisor and Mr Kris Navaratnam, the owner of the site said that they had not received any complaints regarding the sale of alcohol to date. It was also confirmed that there would be one person in the shop after 23:00 and they would be fully trained in the sale of alcohol. The Manager who was also the Designated Premises Supervisor worked during the day.

The Sub-Committee asked for clarification regarding the location of the night service hatch and this was shown to the Sub-Committee on the site plan.

In response to further questions from Councillor Paul Bryant, it was noted that whilst there would be no limit to the amount of alcohol that could be sold between the hours of 23:00 and 06:00, the range of alcohol available in the store was fairly limited, the purchaser would need to know what they wished to purchase (as there would be no access to the shop) and the use of the night service hatch would restrict the volumes sold.

Mr Jeagatheshcumar Veeraththipillai the Designated Premises Supervisor and Mr Kris Navaratnam, the owner of the site also confirmed that the Police had not been called to the site for any reason since they had been in operation from January 2015. The previous owners of the site has also confirmed there had been no problems involving the police.

Councillor Jean Gardner of Tilehurst Parish Council (objector) in addressing the Sub-Committee made the following points:

- The site was at the bottom of the hill and noise travelled upwards affecting local residents as well as those who were resident in the home for the elderly adjacent to the site.
- The site was currently open 24 hours a day without the necessary planning permission. This resulted in lights on all through the night and noise from vehicles. The elderly residents next to the site had a right to peace and quiet at their time of life.
- Tilehurst Parish Council objected on principle to petrol stations selling alcohol.

Mr Joyce (objector) in addressing the Sub-Committee made the following points:

- His main concern was the petrol station and shop being open 24 hours a day and the associated noise and light pollution rather than the sale of alcohol 24 hours a day.
- Local residents had made specific complaints regarding the noise from delivery lorries being unloaded at the site.
- Noise and traffic disruption occurred at the site at various points of the day with school run traffic at around 9.00 am and 3.00 pm. There was also disruption at around 11.00 pm when people visited the garage on the way home from public houses. In some cases this was people talking but had on occasion involved

LICENSING SUB-COMMITTEE - 17 MARCH 2015 - MINUTES

people arguing on the forecourt itself which had disturbed residents of the adjacent home for the elderly.

In response to a question from Councillor Paul Bryant, Councillor Jean Gardner said that Tilehurst Parish Council objected to petrol stations selling alcohol in principle and it was not the twenty four hours a day that was the issue. Councillor Gardner added that the initial paper work from the Licensing Team had been sent to the wrong Parish Council which had limited the amount of time the Parish Council had to co-ordinate their objections.

Councillor Brian Bedwell (Ward Member) in addressing the Sub-Committee made the following points:

- As Ward Member he wished to support the local residents and Tilehurst Parish Council in their objections.
- It was unfair to say that the local residents were not concerned about the application because the petition had not been compiled to comply with the necessary legislation. The petition organiser and signatories would have been unaware of the legal requirements to include the four licensing objectives on every page and merely wanted to express their views in the best way.
- There was concern that youngsters in the area who might be looking for something to do might be attracted to the petrol station if they knew the shop had a licence to sell alcohol 24 hours a day.
- There was also concern that selling alcohol from a petrol station would encourage drink driving.
- The operation of the premises 24 hours a day was not acceptable for the residents of the home for the elderly adjacent to the petrol station.
- There was evidence of noise disruption currently on the forecourt area, especially when deliveries were made.

In response to a question from Councillor Paul Bryant, Councillor Bedwell said that in his opinion the granting of a licence to sell alcohol 24 hours a day would increase the traffic to the site, over and above the current levels of traffic associated with the petrol station and shop trading 24 hours a day and selling alcohol between 08:00 and 23:00.

Councillor Bedwell added that there were no other establishments selling alcohol at the proposed times between Reading and the Motorway junction.

In response to the points made by the objectors, the applicant's agent, Mr Stewart Gibson made the following points:

- The Planning Permission for the twenty four hour opening of the petrol station and store was not a Licensing matter.
- If Planning permission was granted then the lights on the forecourt and in the shop would be on twenty four hours a day regardless of whether alcohol was being sold or not.
- It was a very dated view to say that petrol stations should not sell alcohol as most people drove to large supermarkets where alcohol was readily available to do their shopping and that did not mean that they bought alcohol to consume in their vehicles before driving home.
- To say that people buying alcohol from the shop late at night would be under the influence of alcohol was an assumption with no evidence to

LICENSING SUB-COMMITTEE - 17 MARCH 2015 - MINUTES

support it. If a person was already under the influence of alcohol when arriving at the shop that was that individual's responsibility and they would be challenged by shop staff and refused the sale of alcohol.

- All the objections had been based on assumption and opinion and were not supported by any evidence.
- In the unlikely occurrence that there were any problems if the licence was granted then there was a review process in place to allow interested parties to raise concerns based on the licensing objections.

The Sub-Committee retired at 2.45 pm to make its decision.

Decision:

Having taken all relevant representations into account, the Licensing Sub-Committee RESOLVED that Application reference **15/00167/LQN** be granted. Premises Licence 014134 is therefore varied and permits the supply of alcohol for twenty four hours each day from Monday to Sunday inclusive subject to the conditions set out in the operating schedule, the existing conditions attached to the licence and any relevant mandatory conditions as prescribed by the Licensing Act 2003 or secondary legislation.

Reasons:

In reaching their decision, with regard to the issues raised relating to planning permission and the planning process, the Sub-Committee did not consider those issues were relevant to the Application for a variation of a premises licence which is made under a distinct regulatory regime. The Sub-Committee had regard in particular to section 13 of the Council's Licensing Policy which states that "the Council will at times separate its licensing and planning roles."

The Sub-Committee noted that a petition had been submitted by Councillor Bedwell and a document relating to a protest in relation to the 24 hour opening of the BP Londis Garage on the A4 Bath Road with between 70-80 signatures. As this document failed to refer to any of the four licensing objectives, this was disregarded by the Sub-Committee in reaching their decision.

The Sub-Committee noted the Objectors and Ward Member indicated concerns which related to two of the Licensing Objectives, including the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee did not consider that there was sufficient evidence to suggest that the concerns raised could be attributed to the licensable activity which was the subject of the Application, namely the supply of alcohol, which is currently permitted under the Premises Licence. Further, the Sub-Committee did not consider that the representations made in objection to the Application were supported by evidence which would justify the modification of any of the conditions of the licence or refusal of the Application.

In reaching its decision, the Sub-Committee also noted that none of the Responsible Authorities had raised objections to the Application on the grounds of public safety, the protection of children from harm, crime and disorder or public nuisance.

(The meeting commenced at 2.00 pm and closed at 2.45 pm)

LICENSING SUB-COMMITTEE - 17 MARCH 2015 - MINUTES

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature