

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 25 August 2010

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 1:00pm

Present: Councillors: -

Richard Gell
Glenn Harwood (Chairman)

Brian Northall

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATION OF INTEREST

Councillor Glenn Harwood declared a personal interest in Item 4 below because he had previously met Mr and Mrs Blades (two of the objectors attending and speaking at the Hearing), at a social event on one occasion and had also attended a game shoot at Mr and Mrs Blades' property. Councillor Harwood remained in the Hearing and also took part in the discussion on the item.

3. MINUTES

The Minutes of Licensing Panel meetings held on 26 June and 30 October 2009, and 17 March 2010 were approved and signed.

4. APPLICATION FOR A PREMISES LICENCE - JAZZ OFF LICENCE, 61A HIGH STREET SOUTH, RUSHDEN

The Licensing Officer reported on an application for a Premises Licence for Jazz Off Licence, 61A High Street South, Rushden, under the Licensing Act 2003.

The licensing activities and timings requested for the Premises Licence were: Sale of Alcohol (off sales only) from 07.00 hours until 00.00 hours from Monday to Sunday.

The statutory bodies had been consulted and no representations had been received. However, 11 local residents had made representations. The Licensing Officer confirmed that one additional representation had been received from a local resident which had been mislaid and should have been included, making a total of 12 representations. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 6 below). In addition, a petition signed by 19 people had been received and because it did not relate to the licensing objectives, was submitted for information only.

(a) Evidence from the applicant

Mr R Bhardwaj, a Solicitor representing Mr S Singh the applicant, spoke in support of the application. The applicant would be leasing 61A High Street South to run an off licence business. The premises would not just sell alcohol and he wished to provide a facility that the local community could use. The applicant had noted the objections from local residents and proposed some revised licensing hours for the sale of alcohol: Monday to Thursday from 10:00 to 22:00; Friday and Saturday from 10:00 to 23:00; and Sundays from 10:00 to 21:00. It was hoped that the revised hours would assist in resolving some of the objections. (At this point the Chairman asked the objectors present if they agreed with these revised hours but they indicated their unanimous rejection of the offer). The Police had no objections to the application because the applicant had agreed to some additional conditions proposed by Andy Glover, the Police Licensing Officer, covering training and supervision of staff and the provision of CCTV at the premises. He mentioned that the applicant had some experience in running an off licence and had previously worked in similar businesses in Kettering and Leicester owned by relatives. The applicant would be the Designated Premises Licence Holder, had received the appropriate training and gained the required Premises Licence Certificate.

(b) Evidence from the objectors

The following local residents spoke objecting to the application:

Mr F Judge (67 High Street South) – the location of nearby flats with young adults living in them and the location of a shelter opposite the premises for drug addicts and alcoholics would increase crime, vandalism and anti-social behaviour in the local area. The storage of alcohol on site could be a fire hazard. There was no proper storage area at the back of the property for waste which could also be a fire hazard. Lorries unloading provisions for the store during the day would cause a traffic hazard because High Street South was a main route into Rushden town centre. There was not enough provision for customer car parking outside the store.

Mrs P Bishop (71 High Street South) – there was no access to the rear of the property from inside the premises so any waste taken outside would have to be carried via the front door; along High Street South; round the corner into Crabb Street; and then along the alleyway to the rear of the premises. There was no proper storage facility for waste at the rear of the premises which could be a fire hazard. Another outlet selling alcohol was not required because there were already two pubs, a number of supermarkets and other off licences in the vicinity selling alcohol; and takeaways in the vicinity also caused parking problems.

Mr P Beasley (65 High Street South) – considered that the location of the proposed off licence was inappropriate and would be detrimental to the local community. There were vulnerable people living in the church shelter opposite the premises who could be tempted to purchase alcohol from the new off licence. There did not appear to be enough toilet facilities in the premises. He was concerned with the inability of the applicant to adequately respond if the premises alarm went off when the business was closed because the applicant would not be living on the premises and would not be able to contact the Police in an emergency.

Mrs F Mulcahy (69 High Street South) – considered that the applicant did not have enough experience in running an off licence and the business was not suitable for the location. There were already enough premises within the vicinity selling alcohol and children passing the premises to and from school would be tempted to buy alcohol leading to underage drinking. The provision and security of any waste bins placed outside the premises would lead to problems of waste being thrown about in High Street South.

The following people with business and community interests in the vicinity of the application site also spoke objecting to the application:

Mr N Darlow (Visage Aesthetics Ltd, 57A High Street South) – was concerned about the security of his business because anti-social behaviour had recently increased in the area. He now had to lock the front door of his premises during opening hours because he was concerned about the safety of his staff and customers visiting his business. The location of a new off licence nearby would only increase anti-social behaviour and vandalism.

Dr M Blades and Mr P Blades (Business at 63 High Street South) – Dr Blades complained that the Blue Notice displayed at the premises had not complied with the Licensing Act because it was very difficult to see and had not included any consultation dates. The Licensing Officer confirmed that the Notice displayed at the premises complied with the Act and that the appropriate dates had been added to the Notice once it was realised that these had been left off in error. CCTV cameras placed on the outside of the premises would not be suitable in a Conservation Area and it was doubtful whether the location of CCTV cameras outside complied with current legislation because they would be able to record people going to and from their businesses next door. They had already experienced people drinking in the doorway of their premises and permission for the new off licence would only increase crime and associated problems in this area. They were concerned that the applicant could be attacked when carrying alcohol and goods into the premises because there was no rear entrance. They also questioned the suitability of the applicant to run the business because he had not run a similar business before and whether the premises complied with national building and fire regulations.

The Reverend P Lees (Full Gospel Church, High Street South) – the proposed new off licence in this location would contravene and go against the Council's and Government's policies to introduce measures to reduce alcohol consumption in the UK. He had first hand experience in dealing with the problem of alcohol abuse because his church ran the shelter opposite the premises and he was very concerned that the off licence would make the situation worse.

Mr Bhardwaj replied to the objectors by stating that the applicant had received previous experience working in similar businesses; would be the Designated Premises Licence Holder; and had agreed with the additional conditions suggested by the Police. The CCTV system would be fitted by a company approved by the Police and would comply with current regulations. Any waste would be stored in the premises and only moved to the rear of the premises on the collection day, and it was not intended to store any waste outside the rear of the premises. He confirmed that the applicant had applied to the relevant authorities regarding fire and safety checks, and would be applying for planning permission and building regulations if he was granted the Premises Licence.

The Panel asked the applicant a number of detailed questions about his submission including: the provision and location of waste bins outside the premises; the storage of waste within the premises; the provision and location of CCTV; the compliance with Building and Fire Regulations; and the experience of the applicant to run an off licence.

Mr Bhardwaj then summed up the applicant's case and emphasised his commitment to work with the local community by proposing the revised hours. He assured the Panel that the applicant had experience working in similar businesses, would make every effort to comply with all relevant legislation and would also work with the Police to prevent crime. In summary, the application and opening of a new off licence business was all about choice for the local community and he requested that a Premises Licence be granted to the applicant with appropriate conditions, including the revised hours as proposed.

After considering the submitted report and the representations made at the Hearing from the

speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That a Premises Licence for the Jazz Off Licence, 61A High Street South, Rushden be granted subject to standard conditions and additional conditions being imposed on the Licence (see below).

The Chairman read out the following statement giving the reasons why the Panel had granted the Premises Licence with additional conditions: -

“The Licensing Panel considered the application for a Premises Licence for the Jazz Off Licence and took into account the Licensing Officer’s report, representations objecting to the application and evidence presented by the applicant. After careful deliberation and consideration of the licensing objectives, East Northamptonshire Council’s Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003, the Panel have decided to grant the Premises Licence, subject to the following conditions:

1. The Licence will be subject to the mandatory conditions as imposed by the Licensing Act 2003.
2. The Police Licensing Unit and the applicant previously agreed the following conditions which the Panel now imposes:

(a) The Licensee will ensure that all staff are trained to ensure that the requirements of the Licensing Act 2003 and the licensing objectives are complied with, all new staff to be trained within two weeks of commencing employment. Signed evidence of training to be retained in writing and to be available for inspection by any authorised person and Trading Standards officers.

Reason – to comply with the four licensing objectives.

(b) The licensee shall have installed, and properly maintain in working order at all times a CCTV system. In particular this system shall:

- Hold images for at least 21 days
- Cover all areas to which the public have access including entrance/exit
- Staff will be trained in its operation
- Images will be made immediately available from the system to a police officer on request
- Real time images of CCTV coverage will be on view to a member of staff at all times during hours of opening.

3. The Panel also imposes the following conditions:

(i) The CCTV system installed shall fully comply with the relevant and appropriate regulations for such equipment.

Reason – the prevention of crime and disorder.

(ii) The Designated Premises Supervisor or a Personal Licence Holder shall be on site at all times during sales of alcohol.

Reason – to comply with the four licensing objectives.

(iii) Location of alcohol stocks/displays shall not be sited near the entrance/exit to deter shoplifting.

Reason – the prevention of crime and disorder.

- (iv) The Licence Holder shall ensure that in order to ensure the integrity of the licensing objectives, the sale or supply of alcohol to any person appearing to be under the age of 18 years will only be made when appropriate proof has been given to verify age of purchaser. The licence holder is to operate the Challenge 21 Scheme.
Reason – the prevention of crime and disorder and the protection of children from harm.
- (v) The Licence Holder shall maintain a Refusals Register of all attempted underage purchases from those who appear to be under 18 or from persons who appear drunk.
Reason – the prevention of crime and disorder and the protection of children from harm.

The Panel noted the applicant's offered compromise on the originally requested licensing hours. This offer was unanimously rejected by all of the objectors present at the Hearing. Therefore, the Panel authorised licensable activity for the following times: Monday to Thursday - 10:00 to 22:00; Friday and Saturday - 10:00 to 23:00; and Sundays and Christmas Day - 10:00 to 21:00

The Panel was very aware of the concerns raised by objectors to this application. However, many of the reasons forwarded for objecting were not material when a Licensing Authority was determining a licensing application. These included parking issues; waste issues; loading and unloading and even the morality of supplying alcohol at all. Based on the evidence the Panel was not satisfied that there was sufficient proof that the grant of the Licence would exacerbate the problems that were described by the objectors in the locality. The Panel were also conscious that neither the Police nor Environmental Services had made a representation.

Notice of the Decision would be sent in writing to all parties within 21 days, who would also have the Right of Appeal within 21 days from receipt of the Decision Notice. The decision would become effective 21 days after receipt of the Notice by all parties or on the date when any appeal is finally determined."

Chairman

**APPLICATION FOR A PREMISES LICENCE – JAZZ OFF LICENCE, 61A HIGH STREET
SOUTH, RUSHDEN**

The representations received had been analysed by the Licensing Officer and are summarised under the following licensing objectives: -

(a) Prevention of Crime and Disorder

The representations from the public referred to concerns about anti-social behaviour and criminal damage being caused by customers. They also referred to existing anti-social behavioural issues in the area and that the off licence would exacerbate the problems already experienced. There were concerns that CCTV would not be allowed externally as suggested in the application because the premises was in a conservation area. There was also concern about vandalism, drunken behaviour and damage to properties.

(b) Public Safety

The representations referred to the potential for persons to loiter in the vicinity for the purposes of smoking and drinking and concern that the gardens opposite would be used as a toilet. There was also concern about vulnerable people staying at the night shelter, who were being helped to deal with addictions such as alcohol and the effect the off licence would have on those people.

(c) Prevention of Public Nuisance

The representations referred to possible litter, obstruction of footway, noisy and aggressive customers and also included the suggestion that an earlier finish time would be more appropriate because midnight was regarded as too late.

(d) Protection of Children from Harm

This representation referred to the possibility of children passing the off licence on their way to school witnessing anti-social behaviour or being tempted to buy alcohol.