

LICENSING SUB COMMITTEE

19 MARCH 2015

Present: Councillor P Jeffree (Chair)
Councillor G Derbyshire and M Mills

Also present: Detective Sergeant Rachel Brown, Hertfordshire
Constabulary
Ms Joanne Tomkins, Hertfordshire Constabulary
Mr S Panchal, Applicant's Agent
Mr Amrik Arora, Applicant
Ms G Sherratt, Representing Residents and Businesses

Officers: Solicitor
Licensing Manager
Committee and Scrutiny Support Officer (AG)

25 COMMITTEE MEMBERSHIP/ ELECTION OF A CHAIR

The Committee and Scrutiny Support Officer confirmed that the Sub Committee would comprise Councillors Derbyshire, Jeffree and Mills.

The Sub-Committee was asked to elect a Chair for the Hearing.

RESOLVED –

that Councillor Jeffree be elected Chair for this Hearing.

26 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

27 APPLICATION FOR NEW PREMISES LICENCE: WATFORD SUPERSTORE, 43 - 45 MARKET STREET, WATFORD WD18 0PN (15/00207/LAPRE)

The Sub-Committee received a report of the Head of Community and Customer Services setting out details of an application for a new licence at the above premises.

The Licensing Manager introduced the report. He explained that the application was for off sales of alcohol at a convenience store in Market Street; a pertinent location. He said that the applicant had made a late modification to the

application proposing that the opening hours now be 0800 – 2300 Monday to Saturday and 0800 – 2230 on a Sunday. Further conditions had also been proposed by the applicant and these had been provided to the parties at the hearing. He explained that the Police and Licensing Authority had made representations with regard to the application. The Licensing Authority had made these due to the premises being located in a Sensitive Licensing Area where there was a concentration of licensed premises and concerns around street drinking and anti-social behaviour; these were also concerns of the Police. He explained that the Sensitive Licensing Area meant that the Committee could impose stringent conditions in furtherance of the Licensing Objectives. He explained that a list of Interested Parties could be found at Appendix 5a of the report; with a representation from 29 Apple Tree Walk, Watford, contained therein, subsequently withdrawn. This meant that there were now forty-five Interested Party representations remaining. Four further representations were rejected by officers as the interested parties resided some distance from the premises – such as in Tring and Oxhey. It was therefore up to the Sub-Committee to decide what weight they attached to these latter four representations.

The Licensing Manager outlined that any issues of lack of demand, need or competition, mentioned in any representations, were not relevant to the Sub-Committee's considerations. But issues of crime and disorder and anti-social behaviour were highly relevant. He explained that Police representations dealt with issues around street drinkers and that Market Street had suffered with street drinker problems previously; hence the introduction of the Sensitive Licensing Area. There was no wish to see these problems resurrected. He re-emphasised that stringent licensing conditions could be applied.

The Licensing Manager explained that the applicant had proposed a number of new conditions; although the Sub-Committee might consider that these were not sufficient. This could be resolved by imposing additional conditions. He outlined the provisions in paragraph 10.7 of the report and explained that some of the applicant's suggested conditions might duplicate those already contained in the report. However, the applicant was content with the conditions, as proposed by the Licensing Authority, in Annex 1 and Annex 2 of the report.

The Chair asked if there were any questions. There were none.

Detective Sergeant Brown presented the representation for Hertfordshire Constabulary. She read the representation at page 19 of the report. She then outlined a number of incidents contained in the Police incident report documents within the report relating to street drinkers. She said that these had an impact on local businesses. She gave examples of street drinkers intimidating the public, of swearing to infants and children, drunken behaviour, of argumentative conduct when a resident left his flat, littering in the street, urinating in public places and the adverse impact this all had on the locality. She explained that street drinking was an ongoing policing issue in Watford; with an influx of foreign drinkers resulting in approximately forty street drinkers now frequenting the central Watford area.

Councillor Derbyshire commented that Detective Sergeant Brown had provided considerable evidence and that the behaviour described was unacceptable. He added that the 'need' for a premises, however, was not an issue that the Sub-Committee could take in to account. He asked what view the Police would have if the Sub-Committee came to a conclusion that the application be allowed but with conditions regarding the strength of alcohol to be sold. Detective Sergeant Brown said that the time and place of the selling of alcohol was the main issue. She explained that she was aware of the new conditions as proposed by the applicant but that the Police were nevertheless concerned about street drinkers. As a result, the Police representations remained and they still opposed the application.

The Chair asked whether the Police had a view on the early start of the proposed licensing hours. Detective Sergeant Brown said that she considered a reasonable start time would be 12 noon. The Chair asked how much contact the Police had had with the applicant. Detective Sergeant Brown explained that there had been little contact and the Police had not received the applicant's proposed conditions until immediately before the hearing.

Mr Panchal asked whether the Police were content with the strength of alcohol to be sold; as proposed in the applicant's suggested conditions. Detective Sergeant Brown said that she did not have an issue with this aspect. Mr Panchal asked whether selling alcohol up to 2300 hrs in the evening, as was also being proposed, would assist. Detective Sergeant Brown said that, whilst she appreciated the compromise, she would prefer this to be at 2100 hrs or 2200 hrs. She explained that these hours would assist with policing arrangements for the night time economy – with pre-loading policing dealt with predominantly by the Special Constabulary. Mr Panchal asked whether the Police would be content if alcohol was not sold below the permitted price. Detective Sergeant Brown said that even at those prices the alcohol would be affordable by street drinkers.

Ms Sherratt explained that she was representing residents - with street drinking and anti-social behaviour being a problem in the locality. She was aware that the problems had been ongoing for some time; with the cumulative impact of a number of premises in the area being a concern. She reiterated that Market Street was in a Sensitive Licensing Area and the implications of this. She commented that the Council's Licensing Policy stated that they would protect the quality of life in such areas. She outlined Government guidance (in terms of the risks) and made reference to the sections suggesting that applicants have regard to a knowledge of the area. She referred to Policy LP6 contained on page five of the report and how the Council should strongly apply the requirements.

Ms Sherratt said that she considered that the applicant had failed in all areas of the application. He had not considered anti-social behaviour issues, had not spoken to the Police, did not have a Personal Licence and there was no evidence of training in place for employees. All of these matters caused serious concern. There were long-established issues in the area which had not been taken into account by the applicant. She commented that as the Police should be the main source of advice around protecting the community; she was

concerned that the applicant had not approached them in this regard. She added that even with a well-run premises in the area the risks to the community would be high; and that in this case the application was poor. She did not consider that the application met the Licensing Objectives and requested that the Sub-Committee refuse it.

Mr Panchal asked whether the representations from Interested Parties were all identical. The Licensing Manager confirmed that they were.

Councillor Derbyshire asked Ms Sherratt to explain specifically on whose behalf she had spoken. She explained that she represented seven of the individuals as shown on the list of Interested Parties at Appendix 5a of the report; she was not a resident herself. These individuals were identified as Mr Robert Radwanski, Mr Ebony Faye, Mr D Gould and V Aitchinson (all residents) and Mr Kuldeep Singh Khaneja, Mr Peter Murphy and Faz Coullio (all business owners). Councillor Mills commented that one of the Interested Parties on the list was shown as being from Garston and questioned whether they should be included. The Chair commented that it was a matter for the Sub-Committee to decide what weight should be attached to their representations.

Mr Panchal presented the application on behalf of the applicant.

Mr Panchal provided a copy of the applicant's proposed conditions to the Panel. He explained that the applicant had been in business for eight years; two years in the phone card business and the last six operating off-licenses in Croydon and in Hounslow. During his time running off-licenses, the applicant had had no adverse incidents in relation to the Licensing Act and he ran the businesses in a robust way. In 2009, the applicant had held a Personal License but had since mislaid it. He explained that the application did meet the Licensing Objectives in that the applicant had a staff training manual, would maintain refusal and incident books, would follow the Challenge 25 scheme, would have the operating schedule laid out on the premises, would have signs indicating that there would be no sales of alcohol to street drinkers, would have signs requesting customers to leave quietly, would have CCTV operating on a 24-hour basis and there would be a requirement for staff to ask for identification from customers. He said that his client would run the premises in Watford as well as his previous businesses.

Mr Panchal explained that the applicant had proposed amended hours for the sale of alcohol and outlined the proposed conditions as provided to the Sub-Committee. He said that the applicant would enforce these stringently. He commented that Ms Sherratt in effect only represented four residents and that all of the Interested Party letters were the same; with 'need', as discussed in the letters, not being an issue for the Sub-Committee. He said that the applicant wanted to work with the Police and Licensing Authority but had only purchased the premises in January 2015. He reaffirmed that management and training were now in place and that appropriate risk assessments would be conducted. He concluded by saying that the applicant would robustly promote the Licensing Objectives and apply the stringent conditions.

Detective Sergeant Brown asked whether the applicant had a good history as a Personal Licence holder. Mr Panchal said that the applicant did have a good history with no issues in the last six years. Detective Sergeant Brown asked whether the business in Watford was currently in profit. Mr Panchal explained that it was not at present but it was the applicant's intention to make it profitable.

Ms Sherratt asked whether the applicant still had an interest in his previous off-licence business. Mr Panchal explained that the applicant had sold the business and would be concentrating on the Watford premises. In response to a further question from Ms Sherratt, Mr Panchal explained that the previous business had been sold on 4 January 2015 and the business in Watford purchased on 21 January 2015.

Ms Sherratt asked about the applicant's Personal Licence and Mr Panchal confirmed that he held this at the previous off-licence. Ms Sherratt asked why the applicant had made a mistake in losing the license; Mr Panchal explained that the applicant simply believed that he had misplaced the licence and it was for him to obtain a replacement.

Ms Sherratt asked why information about training for staff at the premises was not documented. Mr Panchal said that he had presented appropriate information about training to the hearing. Ms Sherratt asked how the applicant would identify street drinkers. Mr Panchal explained that these would likely be drunk, be identifiable and the applicant would refuse to sell alcohol to them.

The Sub-Committee then discussed the conditions proposed by the applicant; with the Licensing Manager explaining that these were similar to those proposed by the Licensing Authority. In response to a question from the Chair, Mr Panchal explained he was content with conditions 1 and 2 as shown on page 39 of the report but the specific training courses referred to in condition 4 may have been withdrawn. The Chair asked whether the applicant agreed to attend an appropriate course in principle; in which case the condition could be amended. Mr Panchal said that the applicant was prepared to attend suitable training.

The Licensing Manager suggested that it would be helpful if Mr Panchal could explain the staffing structure and procedures. Mr Panchal referred the Sub-Committee to the plan of the premises on page 13 of the report explaining that there was a butchery in another part of the premises. He explained that when the premises was open for licensable activities, two members of staff would be in attendance; with one of these holding a Personal Licence.

The Chair raised the issue of a lack of visibility of the drinks fridge from the counter and asked whether this matter could be resolved through an appropriate audit. Mr Panchal outlined the steps that could be taken to deal with the problem and the Chair was content that the matter could be resolved.

The Chair asked whether the applicant had any further statement to make. Mr Panchal said that he did not but the applicant would fully promote the Licensing Objectives should the licence be granted.

The Sub-Committee retired to consider their decision.

On the Sub-Committee's return, the Chair announced the decision.

RESOLVED –

The Licensing Sub-Committee has decided to approve the application subject to the following:

- (1) Hours for the sale of alcohol shall be 10.00 hrs to 21:00 hrs Monday to Sunday.
- (2) The draft conditions set out in pages 39 and 40 of the report shall apply subject to the following -
 - Condition 3 shall be re-numbered 3a.
 - A new condition 3b shall be added using the wording of draft condition 5 that was proposed by the applicant.
 - Condition 4 shall be amended to read; 'The designated premises supervisor should attend a formal training course on avoiding underage sales such as National Certificate for Designated Premises Supervisors or the BIIAB Award in Responsible Retailing, or an equivalent approved course, and provide evidence of attendance if requested.'
 - Condition 6 shall be amended to read; 'Cans or bottles of beer, lager or cider shall only be sold on the premises in packs of four or more.'
 - Condition 8 shall be amended to read; 'No sales of beer, cider or lager of above 5.5%ABV shall be permitted.'

In reaching this decision, the Sub-Committee has taken into account the written and oral evidence of the responsible authorities, the written and oral evidence of those making representations, the oral statements of the applicant, the Licensing Act 2003, the Secretary of State's Guidance on the Licensing Act and the Council's Statement of Licensing Policy November 2013 – November 2018.

Chair
Licensing Sub-Committee

The meeting started at 10.30 a.m.
and finished at 12.14 p.m.