

LICENSING SUB COMMITTEE

16 October 2017

Present: Councillor K Crout (Chair)
Councillors J Connal and D Scudder

Also present: Sergeant Luke Mitchell, Hertfordshire Constabulary
Ms Jo Tomkins, Hertfordshire Constabulary
Mr Robert Jordan, Premises Representative
Mr Harmeet Singh Sidana, Applicant, Watford Convenience Store

Officers: Committee and Scrutiny Support Officer (JK)
Licensing Officer (PS)
Senior Solicitor
Environmental Health Manager (Commercial)
Assistant Licensing Officer

7 **Committee membership/ election of a Chair**

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors Connal, Crout and Scudder.

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

RESOLVED –

that Councillor Crout be elected Chair for this hearing.

8 **Disclosure of interests (if any)**

There were no disclosures of interest.

9 **Application for a premises licence: Watford Convenience Store, Market Street, Watford**

Introduction to the application

The Sub-Committee received a report of the Head of Community and Customer Services outlining the application.

The Licensing Officer introduced the report. The application was for a new premises licence to sell alcohol for consumption off the premises. One representation had been received which was from Hertfordshire Constabulary. There was an existing licence in operation at the premises. The premises was defined as an off-licence and, due to its location, policy LP3 applied, which aimed to create a family-friendly town centre. The Police had proposed alternative timings and additional conditions for the licence. Some conditions had been agreed following a mediation meeting. The outstanding issues for which there had not yet been an agreement were the terminal hour for alcohol sales, the maximum strength of beers, lagers and ciders to be sold and the minimum quantity of cans available to customers.

The Committee was asked to have regard to the representations and the licensing policy, although it was not bound by it. Reasons needed to be given if the committee departed from the policy.

There were no questions for the Licensing Officer.

Representations

Sergeant Luke Mitchell introduced the representation on behalf of Hertfordshire Constabulary.

Sergeant Mitchell described the location of the premises which was near a sensitive licencing area and a busy family-friendly town centre. Changing the terminal hour to midnight would provide more opportunities for customers to pre-load before going into other premises. There was a risk of an increase in crime and disorder following such consumption. It would also facilitate the purchase of alcohol by those leaving the town potentially causing nuisance and disorder to residents in the area. Historically, there had been a problem with street drinkers and associated antisocial behaviour (ASB) in Market Street and it was in the top 8 locations for ASB in Central Ward.

The Police were further concerned about the impact on vulnerable and homeless people. There had been an increase in people sleeping rough and begging in the area. Central Ward had seen a 20% increase in ASB since April and the increase was mostly linked to issues around homelessness and street drinking. Shoplifting had also increased by 20% and this was often linked to those feeding drug or alcohol habits. The Police also reported an increase in assaults where alcohol was the aggravating factor. These concerns had led to a joint operation between the Police, homelessness charities and the council to signpost people affected by homelessness to agencies offering support. An increase in the hours of the sale of alcohol would damage the work done.

The Council's policy sought a terminal hour of 20.00 for the sale of alcohol in this area. The Police had suggested alternative times and conditions but the applicant had not been in agreement with the proposals. The applicant did not wish to compromise on the condition that no fewer than four cans of beer, lager or cider could be sold at a time. It was suggested that this indicated that most of the sales were to vulnerable people who could not afford four cans at a time. Most customers would purchase four to six cans.

To summarise, the Police felt that extending hours would not promote the licensing objectives in an area of Watford which required significant Police resources. In addition, the sale of small numbers of cans, high-strength alcohol and longer hours of sales suggested that the customers were more vulnerable and alcohol-dependent. The applicant had not indicated how he would introduce control measures to manage the risks associated with later sales of alcohol. The application, if granted, would be a detriment to Watford and its community.

In response to questions from the applicant's representative, it was confirmed by Sergeant Mitchell that:

- the issues which had not yet been agreed were the minimum number of cans to be sold in a single purchase, the terminal hour for the sale of alcohol and the maximum strength of alcohol to be sold by the premises.
- There were no records of incidents related to the premises in question.

In response to questions from members, Sergeant Mitchell noted:

- The premises' current licence permitted the sale of beers, lagers and ciders up to 5.5% ABV.
- The Police worked in partnership with homelessness charities and other professionals to provide support to those with drug and alcohol dependencies. If they did not engage with this support, the Police would use their powers.
- Police services were experiencing a number of challenges in the town centre linked to drugs, alcohol, homelessness and mental health and it was important that they were able to manage their time effectively.
- There was ongoing work with the off-licences in the town centre to determine where street drinkers were sourcing their alcohol and to help the premises understand who the vulnerable people were.
- Watford's night time economy was policed by officers from around the county and additional outlets selling alcohol late in the evening would add to the issues and the resources needed.
- It appeared that some vulnerable people would beg until they had enough to purchase one or two cans and then start begging again.

- The Police's concerns were: the impact on the levels of ASB linked to street drinking and homelessness and the opportunities for pre-loading and purchasing alcohol on the way home. There was a problem with vehicles being vandalised at night on the routes out of the town centre.
- A number of outlets in the Market Street area had late-night hours due to their licenses having grandfather rights.
- A higher ABV was more attractive to street drinkers as it enabled them to become intoxicated more quickly and premises which sold them were well-known.

There were no questions from the Licensing Officer or the Council's Legal Advisor.

Address on behalf of the applicant

The premises representative, Mr Robert Jordan, presented the application to the Sub-Committee.

Addressing the Police's proposed conditions, Mr Jordan noted that:

- the Police sought a terminal hour for alcohol of 21.00; the applicant was willing to amend his application from midnight to 22.00.
- the current licence specified a minimum of two cans of beer, lager and cider, rather than the four requested by the Police; the applicant wished to retain his current licence condition of two. There had been no adverse impact in the 17 months he had been trading.
- the Police had requested that a personal licence holder be on duty at all times when the premises were selling alcohol; it had been agreed to remove this condition at the mediation meeting.
- the applicant was happy to accept that no beers, lagers or ciders of more than 5.5% ABV would be sold.
- the applicant was otherwise happy to accept the conditions proposed by the Police.

Staff at the premises were trained in detecting proxy sales, not selling to street drinkers or intoxicated persons. The premises did not appear to have an adverse effect on the licensing objectives after operating for more than a year, in accordance with policy LP3. The premises operated CCTV and any issues would be recorded and kept for the specified 31 days.

The applicant would not be content with the Police's suggestion that he was targeting street drinkers. Most pre-loading took place at home rather than bought from convenience stores so he did not accept that this was a risk.

Mr Jordan noted that the residents had not objected to the application. There was a camera at the rear of the premises which would detect any issues there and the counter was next to the window so staff were aware of what was happening in the street. There was no evidence of shoplifting or drugs related issues.

There were no questions from responsible authorities. Sergeant Mitchell confirmed that he was content that the condition related to personal licence holders be removed.

In response to questions from members the premises' representative and the applicant advised that:

- There had been no problems at the premises and if issues arose, the staff would be prepared to call the Police.
- A new application had been made, rather than a variation to the current licence, to avoid issues with many additional conditions being added to the existing licence.
- Customers often bought two cans in one purchase.

There were no questions from the Licensing Officer.

In response to a question from the Council's Legal Advisor, Sergeant Mitchell advised that most customers bought four to six cans. Below that level, sales were targeted to street drinkers.

Summary

In closing, Sergeant Mitchell asked for confirmation that a refusal sales book would be kept for 12 months. This was agreed.

The Applicant concluded by advising that street drinkers sought the high-strength cider which had an ABV of 7.5% ; this was not available at the premises.

Decision

The Sub-Committee retired to consider its decision.

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

After announcing the decision, the Chair advised that this meant that the premises could sell alcohol until 22.00 but would not be permitted to sell fewer than four cans in a single sale.

RESOLVED –

Having heard the evidence from the applicant and representations from the Police, the Committee grants the application as amended, with a closing time for the sale of alcohol of 10pm. The Committee attaches the conditions proffered by the Police. In attaching the conditions, the Committee is of the view that this will aid in the promotion of the licensing objectives.

In reaching this decision, the Committee has taken into account the provisions of the Licensing Act 2003, the Secretary of State's guidance and the Council's Statement of Licensing Policy.

Chair

The Meeting started at 10.30 am
and finished at 12.00 pm