

Licensing

Sub-Committee

28th August 2012

MINUTES

Sub-Committee Members Present:

Councillors Andrew Fry (Chair), Pattie Hill and Roger Hill and reserve member Councillor Joe Baker

Officers:

C Flanagan (Legal Services Manager)
A Fox (Senior Licensing Practitioner)
I Westmore (Democratic Services Officer)

Applicant's Side:

Mr M Ikram, Applicant

Also in attendance:

Miss R Akalin, Objector
Councillor Roger Bennett, Ward Member for Headless Cross and Oakenshaw

Observers:

Councillor Wanda King

6. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and officers present. The Chair explained to all parties the procedure to be followed during the Hearing.

7. APOLOGIES

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

9. APPLICATION FOR A PREMISES LICENCE - 104 EVESHAM ROAD, REDDITCH

The Sub-Committee was asked to consider an application for a premises licence in respect of 104 Evesham Road, Redditch, Worcestershire, B97 5ES. The application was subject to a Hearing in the light of a representation which had been made by a local resident. The basis of their representation related to public nuisance.

The Senior Licensing Practitioner introduced the report and in doing so informed the Sub-Committee that there was no further update to provide with regard to the application. It was noted that the application had been advertised in accordance with legal requirements and additional conditions put forward by the Police had been accepted through mediation with the applicant.

Mr Mohammed Ikram, the applicant, presented the case on behalf of his application. Mr Ikram noted that the objector lived opposite one public house with a second a very short distance away and suggested that public nuisance in the local area was the result of customers of these establishments. It was contended that there was no evidence to suggest that the opening of an off-licence would lead to an increase in anti-social behaviour in the area. As a trader with 14 years previous experience of running off-licence premises, he had not encountered any such problems. Mr Ikram suggested that mention of the views of the neighbour of the objector not be given weight as they had not been made in person by the individuals concerned. In response to a question from the Sub-Committee, Mr Ikram stated that the location of 104 Evesham Road presented an opportunity for retail sales to both local residents and passing trade.

At the invitation of the Chair, Miss Robina Akalin, a local resident, put forward her case and in this she was supported by her local Ward Councillor, Councillor Roger Bennett. Miss Akalin stated her deep affection for the area in which she lived and noted that there were already six public houses in the vicinity. It was suggested that a further outlet selling alcohol would lead to an increase in anti-social behaviour and that, whereas public houses tended to employ a number of staff and door supervisors the same might not be the case with this new premises. It was also suggested that the encouragement of passing trade would have a detrimental effect on the local area. Councillor Bennett added that he was concerned at an increase in public nuisance and suggested that the local authority might consider the introduction of a saturation policy for such licensed premises in this area.

All parties concerned then took the opportunity to sum up their cases, during which the applicant, Mr Ikram, volunteered to address concerns over potential public nuisance by reducing the finish time for the supply of alcohol from 23.00 Monday to Saturday and 22.30 on Sunday to 21.30 Monday to Sunday.

Having had regard to:

- the Licensing Objectives;
- Guidance issued under section 182 of the Licensing Act 2003;
- the Borough Council's Statement of Licensing Policy;
- the Application made by the Applicant;
- the representations made by interested parties (both in writing prior to and in person at the hearing)

The Sub-Committee RESOLVED that

the application for a premises licence for 104 Evesham Road, Redditch be GRANTED in the terms as set out in the Operating Schedule, as amended by the applicant during the hearing, to include a finish time of 21.30 daily and to include the following conditions, as requested by the Licensing Officer D Division, West Mercia Police and agreed by the Applicant:

- **A Challenge 25 policy will be adhered to so that when a person who appears to be under 25 is served, proof of age will be requested, which will be restricted to a driver's licence, passport, or any other document with a hologram photo. Posters detailing this requirement will be displayed in the store.
(replacing the third step set out in paragraph a) and e) Section P page 20 of the Application)**
- **A refusals / incident book will be maintained and made available to police and licensing officers on request.**
- **CCTV images will be stored for a minimum of 21 days and made available to police on request.**

The Sub-Committee stated that, whilst it understood the issues that have been raised by Miss Akalin, existing problems could not be the responsibility of the applicant, who has no previous presence on Evesham Road and the Sub-Committee was mindful that a Review of the licence would be possible should it be necessary.

The applicant had made what the Sub-Committee considered a generous offer to reduce his hours of selling alcohol in order to address concerns about late night problems already existing in the area. The Sub-Committee also noted the Applicant's previous experience in running an off-licence.

The following legal advice had been given:

- that the Licensing Objectives must be the paramount consideration;
- that the Sub-Committee may only have regard to the representations which promote the four licensing objectives; and
- that the Sub-Committee must consider only those matters directly relevant to the premises.

The Meeting commenced at 5.00 pm
and closed at 6.56 pm

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Chair