

Licensing

Sub-Committee

29th July 2013

MINUTES

Sub-Committee Members Present:

Councillor Phil Mould (Chair) and Councillors Gay Hopkins (substituting for Councillor Michael Chalk) and Alan Mason

Officers:

K Barnett (Litigation Solicitor, Legal Services)
N McMenamin (Senior Licensing Practitioner)
I Westmore (Democratic Services Officer)

Applicant's Side:

Mr N Rajesh, Representative of the Applicant
Mr D Sooch, Premises Manager
Mrs S Sooch, Applicant

Also in attendance:

Mr J Stanford, Objector
Councillor Andy Fry, Ward Councillor for Lodge Park Ward, Objector
Councillor Mark Shurmer, Ward Councillor for Lodge Park Ward, Objector

1. 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.

2. APOLOGIES

Apologies for absence were received on behalf of Councillor Michael Chalk. Councillor Gay Hopkins attended the meeting as a substitute in place of Councillor Chalk.

3. DECLARATIONS

There were no declarations of interest.

4. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - LIFE STYLES EXPRESS, 17 FLYFORD CLOSE, LODGE PARK, REDDITCH

The Sub-Committee was asked to consider an application for a new premises licence in respect of Life Styles Express, 17 Flyford Close, Lodge Park, Redditch. The application was subject to a hearing in the light of a number of representations which had been made by Ward Members and local residents. The basis of their representations related primarily to public nuisance and crime and disorder.

The Senior Licensing Practitioner introduced the report, noting that the applicant had paid the necessary fees and had complied with all the requirements of the Licensing Act 2003 over the advertisement of the proposals. Otherwise there was no further update to provide with regard to the application.

Mr Naga Rajesh, representative of the applicant, presented the case in support of his client's application. It was reported that the premises had been taken on by his client earlier in the year and his client had spent a very considerable amount of money re-opening a convenience store which had been closed for seven or eight years previously. It was stated that Mr Rajesh's client was a personal licence holder, had traded for around 30 years and had a good track record in operating premises of this nature in a responsible manner.

Mr Rajesh continued that his client was not seeking to obtain a licence to sell alcohol at unreasonable times and a number of measures were proposed to prevent the sale of alcohol to those who were intoxicated, causing problems or who were suspected of purchasing alcohol to supply to minors. It was suggested that the applicant was willing to have three members of staff managing the premises at any one time, would be instituting a strict Challenge 21 policy, had installed CCTV which operated 24 hours a day and was prepared to tag/mark the containers of alcoholic beverages sold on the premises.

The Sub-Committee's attention was drawn to the fact that neither the Police nor any other of the Responsible Authorities had seen fit to object to this application. Indeed, Mr Rajesh contended that the objections raised about the application had related to the previous management of the premises when it had been trading a number of years previously. The premises would remain primarily a convenience store and there was the scope under the Licensing Act 2003 to control the operation of licensed premises which hadn't existed under the previous regime.

Mr Rajesh made an application for the late submission of a petition in support of the application and for a witness in support of the application to be heard. These applications were discussed with the Other Parties to the hearing and, as they were not unanimously in agreement, the Sub-Committee declined the application.

Mrs Sooch, the applicant, briefly spoke in support of her application. She referred to the support that the management of the shop had from the local community now that the community had got to know the owners. The problems which had been experienced previously were said to have been caused by people who had either now grown up or moved on and by the previous poor management of the premises. The applicant reported that she and her family wished to make the premises a going concern for the future and were concerned that, without the ability to sell alcohol, this aim would be jeopardised.

The legal advisor to the Sub-Committee sought clarification of a point which had been raised by the applicant's representative in respect of the tagging/marking of the containers for alcoholic beverages. It was confirmed by the applicant and their representative that this measure would be acceptable to them as a condition attached to the Operating Schedule should a licence be granted.

At the invitation of the Chair, the two local Ward Councillors and a local resident addressed the Sub-Committee. Mr Joel Stanford spoke on behalf of both himself and his wife. He mentioned that he had already experienced an increase in littering in the area since the opening of the shop and was concerned at the ability of the management to deal with significant issues should basic issues such as this not be addressed. The request for a premises licence until 9.00pm was highlighted given that the premises was only open until 8.00pm at present. Concern was expressed at a reduction in public safety and an increased risk to children from the licensing of the premises and the applicants were asked why they were proposing to employ Challenge 21 rather than Think 25 as their means of preventing under-age sales. It was suggested that the reduction in crime in the local area in recent years had been the result of the previous premises closing down and the fact that youths no longer gathered in the area was attributed to that circumstance.

Councillor Mark Shurmer highlighted his primary concern which was to avoid a repeat of the situation which had existed in the area previously when the locality had been dirty, intimidating and a virtual no-go area at certain times of day. Having represented the area for 16 years Councillor Shurmer declared that he was aware of how poor the situation had been at times in the past. It was noted

that other off-licence premises operated in relatively close proximity to Flyford Close, apparently without problems, hence why Councillor Shurmer advocated the tagging/marking of containers should the application in question be granted.

Councillor Andy Fry stated that he too had represented the area for a considerable time and was well aware of what had occurred in the past. Councillor Fry acknowledged that the problems highlighted by the objectors were historical but added that the improvements since that time could be attributed to the removal of the licensed premises and the difficulties associated with the previous management. Whilst he did not wish to stifle the setting up of new and successful businesses in the area there was a concern that a number of less desirable individuals might be drawn to the local area by the re-opening of an off-licence.

All parties then had the opportunity to sum up their cases with Mr Stanford summing up on behalf of the Other Parties and Mr Rajesh summing up on behalf of the applicant.

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; and
- the representations made by the 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 Life Styles Express, 17 Flyford Close, Lodge Park, Redditch, B98 7LU be GRANTED in the terms as set out in the Operating Schedule, as amended by the applicant during the hearing, to include:

- **that containers of alcohol sold from the premises will be appropriately tagged or marked to enable them to be identified as having been purchased from those premises**

Whilst the Sub-Committee had considered the representations received from Councillors and residents with regard to the four licensing objectives and concerns in respect of previous anti-social behaviour, litter and crime in the area, they felt that the previous problems that existed could not be the responsibility of the applicant and the Sub-Committee must consider only those matters directly relevant to the premises as they currently stand. The Sub-Committee was mindful that a

Review of the licence would be possible should problems occur in the future.

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 7.35 pm
and closed at 9.04 pm