

**Minutes of the Licensing Sub-Committee
16 June 2014**

Present:

R.W. Sider (Chairman)

Councillors A. Ayub and C.A. Bannister

In attendance for the applicant:

Mr Abbas Ali, Premises Licence Holder and Designated Premises Supervisor (applicant)

Representees:

Mr Mandeep S. Soni, interested party

Miss Claire Kopicki, interested party

Councillor Bernie Spoor, ward councillor for Sunbury Common

In attendance for the local licensing authority:

Reba Danson – Licensing Enforcement Officer

149/14 Application by Mr A. Ali for a Premises Licence at Express Stop, 19 The Parade, Sunbury-on-Thames TW16 7AB in light of representations

The Chairman introduced members and officers present and welcomed everyone to this meeting.

The Chairman asked the applicant and the other parties to introduce themselves. He then explained the procedure to be followed at the hearing.

The Council's Licensing Enforcement Officer summarised the application which was set out in full in the report of the Assistant Chief Executive.

The hearing continued in accordance with the procedure.

With the consent of all parties, three documents presented at the hearing were admitted:

- a) from J&H Licensing Consultants, agent for the applicant – a letter dated 9 June 2014
- b) from the applicant - a petition of support for the application and a letter dated 15 June 2014 from Mr Atif Waheed in relation to training undertaken by the applicant and

Having heard the evidence presented, the Sub-Committee retired to consider and determine the application, having regard to the licensing objectives on prevention of crime and disorder and prevention of public nuisance.

Upon reconvening, the Chairman gave the Sub-Committee's summary decision.

The full decision with reasons would be notified to the applicant and other interested parties within five working days of the hearing.

Resolved that the application for variation to the Premises Licence at Express Stop, 19 The Parade, Sunbury-on-Thames TW16 7AB be granted in accordance with the amendment agreed between Surrey Police and the applicant prior to the hearing, as set out in full in the attached Decision Notice.

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 16 June 2014

Applicant: Mr Abbas Ali

Premises: 19 The Parade
Sunbury Cross
Sunbury-on-Thames
TW16 7AB

REASON(S) FOR HEARING: Relevant representations received from local residents and businesses on the grounds of prevention of crime and disorder and prevention of public nuisance.

DECISION

Granted subject to modification of hours and conditions as agreed between the applicant and Surrey Police in advance of the hearing.

With effect from 16 June 2014

Licensable activities	Supply of alcohol
Standard Hours: Supply of alcohol	Monday to Sunday 08.00hrs – 21.30hrs
Opening Hours:	Monday to Sunday 06.00hrs – 21.30hrs
Conditions	For the sake of clarity the conditions as agreed with Surrey Police will apply. These are: - Under Crime and Disorder objective CCTV: A CCTV system with recording and monitoring facilities will be installed at the site prior to any licensable activity taking place in all areas both internal and external to which the public have access including the

areas where licensable activities are taking place. The system shall be fitted and maintained in good working order and fitted to a standard recommended by the Police Crime Reduction Officer. It shall be operational at all times when licensable activities are taking place. The system will incorporate a method or recoding the date and time of the recording. Images shall be of evidential quality and will be retained for 30 days and will be made available on request of officers of the Licensing Authority, Police and Surrey County Council Trading Standards.

Storage: All spirits will be stored or displayed behind the counter and all alcohol including spirits will be located in Chillers and/or display cabinets which can be secured at the discretion of staff members. These must be in full view of the till. Except for alcohol displayed behind the counter, no alcohol products will be displayed for sale within three metres of the entrance/exit of the store.

High ABV Content: No single can of beer, lager or cider above 6% ABV is to be sold (such products only to be sold in multipacks).

Refusal Register: A register of all refused sales shall be kept at the premises and a record of every refused sale shall be entered into the register showing the date and time of the refusal, details of the product and the individual refused and the name of the person who refused it. The register shall be kept on the premises at all times and made available for inspection on request by officers of the Licensing Authority, Police and Surrey County Council Trading Standards.

Under Crime and Disorder and Protection of Children from Harm objective

Staff Training/Challenge 25: The licence holder shall ensure that all staff selling or serving alcohol are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence. All staff will also be instructed, through a written training program, that sales shall not be made unless this evidence is produced. Written staff training records will also be given to all non-personal licence holders on not serving a drunken person and not allowing disorderly conduct on the premises. Staff training will be carried out at intervals of no less than two occasions a year, and on each new staff induction. Written records will be made available for inspection officers of the Licensing Authority, Police and Surrey County Council Trading Standards officers.

Under Public Safety objective

Fire Safety: Fire safety equipment will be checked regularly and any requirements made by the Fire Safety Officer will be complied with.

Under Public Nuisance objective

Signs: Signs will be displayed at the exit requesting that customers leave quietly and respect the neighbours.

REASONS FOR DECISION

Attendance

1. Four people attended the Sub-Committee hearing this morning to make oral representations. They are:
 - a. Abbas Ali, applicant and proposed Designated Premises Supervisor

Of the seven interested parties who objected in writing to the application, the following appeared and spoke before the Sub-Committee.

- b. Councillor B. Spoor, the ward councillor
- c. Mr M. Soni, owner of nearby business, Sunbury Food and Wine and
- d. Miss C. Kopicki, local resident.

Evidence

2. The Licensing Sub-Committee has considered all of the relevant evidence made available to it at this hearing and in doing so has taken into account the regulations and national guidance issued under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.
3. As well as the contents of the report of the Assistant Chief Executive dated 6 June 2014 and appendices, the Sub-Committee took into account:
 - a. a letter dated 9 June 2014 from J&H Licensing Consultants, agent for the applicant and
 - b. a petition in support of the application submitted by Mr Ali.
 - c. a letter dated 15 June 2014 from Mr Atif Waheed in relation to training received by the applicant

Applicant

4. The applicant, Mr Ali, stated that he took ownership of the newsagent on 1 April 2014, with a 10 year lease but that due to competition from neighbouring newsagents, he was finding it difficult to make a living.
5. He submitted a petition containing around 100 signatures from existing customers who support his application for a Premises Licence.
6. Mr Ali stated that because of residents' concerns he had amended his application to reduce the hours applied for, for the sale of alcohol. He offered to reduce the hours further if this was considered necessary. He said that he used to open his store until 11pm but having seen people causing trouble late at night he now closed at 8.30pm
7. He stated that he intended to sell alcohol according to the rules and regulations..
8. Mr Ali explained that he lived a mile from this premises in Lower Feltham and owned two other premises with Premises Licences in Chiswick and Feltham. He was not the DPS at either of these two stores.
9. Mr Ali works at the Chiswick store at the weekends. He works in the Feltham store in the morning until about 11am then goes to the Sunbury premises and the cash and carry. He spends a couple more hours in the Sunbury store in the afternoon and may return there for a short time in the evening. Overall he spends 2-3 hours a day at the Sunbury premises.

10. Mr Ali stated that he had been working in the Chiswick premises on 3 days a week for the past 3 weeks, serving alcohol under supervision of the DPS, Mr Atif Waheed. He was undertaking this training to gain more experience in the sale of alcohol.
11. During discussions Mr Ali explained the procedures he would have in place to deal with the requirement not to have alcohol exposed during times that the premises were open but not licensed to sell alcohol. The opening hour was proposed to be 6am and sale of alcohol was requested from 8am. Mr Ali stated that he would lock the fridge and cover alcohol with shutters from 6am to 8am.
12. Mr Ali stated that he was familiar with the CCTV system and was able to download images to a USB stick when required. He explained that he could also access it from home through the internet to keep an eye on the premises. He already kept a refusals book for cigarettes and confirmed that he did not sell to anyone who could not provide ID.
13. Mr Ali advised that his manager, Mr Jignesh Panchawi would be in the shop all the time. He has known Mr Panchawi through his community and has worked with his brother in the past. Mr Panchawi has two years' experience of selling alcohol at a Shell garage (licensed premises) in Guildford and is looking to move to the local area.

Responsible Authorities

14. Surrey Police, a responsible authority, had originally made representation that granting the application would result in the likely increase of crime and disorder and public nuisance both at the premises and in the near vicinity. Due to the concerns of the local police about the ongoing problems of street drinking in The Parade, Sunbury, the police interviewed the applicant to discuss his application. The Council's Licensing Enforcement Officer was also in attendance. The police suggested amendments to the proposed times for sale of alcohol and additional conditions which would resolve its concerns. The times and conditions proposed are as follows:

Under Crime and Disorder objective

- **CCTV:** A CCTV system with recording and monitoring facilities will be installed at the site prior to any licensable activity taking place in all areas both internal and external to which the public have access including the areas where licensable activities are taking place. The system shall be fitted and maintained in good working order and fitted to a standard recommended by the Police Crime Reduction Officer. It shall be operational at all times when licensable activities are taking place. The system will incorporate a method or recoding the date and time of the recording. Images shall be of evidential quality and will be retained for 30 days and will be made available on request of officers of the Licensing Authority, Police and Surrey County Council Trading Standards.
- **Storage:** All spirits will be stored or displayed behind the counter and all alcohol including spirits will be located in Chillers and/or display cabinets which can be secured at the discretion of staff members. These must be in full view of the till. Except for alcohol displayed behind the counter, no alcohol products will be displayed for sale within three metres of the entrance/exit of the store.
- **High ABV Content:** No single can of beer, lager or cider above 6% ABV is to be sold (such products only to be sold in multipacks).

- **Refusal Register:** A register of all refused sales shall be kept at the premises and a record of every refused sale shall be entered into the register showing the date and time of the refusal, details of the product and the individual refused and the name of the person who refused it. The register shall be kept on the premises at all times and made available for inspection on request by officers of the Licensing Authority, Police and Surrey County Council Trading Standards.

Under Crime and Disorder and Protection of Children from Harm objective

- **Staff Training/Challenge 25:** The licence holder shall ensure that all staff selling or serving alcohol are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence. All staff will also be instructed, through a written training program, that sales shall not be made unless this evidence is produced. Written staff training records will also be given to all non-personal licence holders on not serving a drunken person and not allowing disorderly conduct on the premises. Staff training will be carried out at intervals of no less than two occasions a year, and on each new staff induction. Written records will be made available for inspection officers of the Licensing Authority, Police and Surrey County Council Trading Standards officers.
15. The applicant agreed to these proposed conditions and amended hours prior to this hearing.
 16. The police also required Mr Ali to sign a memorandum of understanding in relation to his lack of operational experience in the sale of alcohol and responsibilities of a DPS. Mr Ali signed this memorandum on the 20 May 2014, Surrey Police subsequently withdrew its representation on 20 May 2014.
 17. Surrey Police did not attend the hearing to make representation.

Interested parties

18. The Sub-Committee received written representations from six interested parties and two petitions. In summary the relevant concerns are as follows:

Prevention of Crime and Disorder

- that the grant of the licence would undermine the proposal by Spelthorne Borough Council to make an order to designate the area of Sunbury Cross, including The Parade, as a 'designated public place' (DPPO) under Section 13 of the Criminal Justice and Police Act 2001 and Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- increase in alcohol related crime
- urinating and defecating in the alleyways and stairwells of private residential premises, offensive language.

Prevention of Public Nuisance

- contribute to the existing problem of street/park drinkers in the Sunbury Cross area
- contribute to the anti-social behaviour by street drinkers/alcoholics hanging around the shops
- increase traffic noise and other late night noise from dispersing customers

- littering of beer cans and bottles
19. Miss Claire Kopicki was an individual representative and had submitted one of the petitions. She explained to the Sub-Committee that she was representing the residents who lived above the shops on The Parade, where she had lived for 13 years.
 20. Miss Kopicki explained that the residents had been working with the local police for two years to deal with the problem of street drinkers who harassed residents from early in the morning for money with which to buy alcohol.
 21. She told the Sub-Committee how she had invested in a jet wash to clean the stairs to the residents' properties regularly due to urination and defecation.
 22. Miss Kopicki stated that she had phoned the police non-emergency number every time the street drinkers had caused a problem and estimated that this had resulted in about 100 calls over the past year. She believed that allowing another premises to sell alcohol would undermine all the work that had been done over the past two years to work towards imposing a designated public place order.
 23. Mr Soni stated that he too needed to make a living at his nearby Licensed Premises, Sunbury Food and Wine and argued that if this premises was granted a licence it would "kill his business".
 24. Councillor Spoor was concerned that selling alcohol in an area that already attracted intoxicated individuals would provide more opportunities for alcohol to be purchased and that this would lead to an increase in anti-social behaviour. Councillor Spoor believed a grant of this licence would send the wrong signals to the community.

Findings

25. The Sub-Committee has considered the representations made by the applicant and the interested parties and finds as follows:
26. The Sub-Committee noted that Surrey Police, a responsible authority, had withdrawn its representation after the applicant agreed to its proposed conditions and hours for sale of alcohol.
27. The applicant stated that he had amended the application following discussions with Surrey Police and the Council's Licensing Enforcement Officer. He had reduced the requested hours for sale of alcohol and had agreed to add specific conditions to promote the licensing objectives on prevention of crime and disorder and prevention of public nuisance. The applicant had also signed a memorandum of understanding in which he agreed to work with a competent person with proven history of good practice in alcohol sales over a three week period to enhance his limited licensing experience. Mr Ali informed the Committee that he has completed this period at an off-licence premises in Chiswick and provided a letter dated 15 June 2014 from Mr Atif Waheed to confirm this.
28. The Sub-Committee noted the residents' concerns that they had already suffered nuisance in the vicinity of the premises due to the anti-social behaviour of intoxicated persons. It noted that Surrey Police and the Council are in the process of implementing

a Designated Public Place Order as a strategy for tackling the problems complained of by residents. This proposed measure is currently out to consultation.

29. No representations were made to suggest that the anti-social behaviour was specifically linked to the sale of alcohol from any of the existing licensed premises in the vicinity. To date, none of these existing premises have had their licences called in for review in connection with the problems of anti-social behaviour.
30. Without such evidence, the Sub-Committee cannot anticipate that the grant of this new licence would contribute to or increase the levels of anti- social behaviour.
31. The Sub-Committee considered National Guidance which advises that in the absence of empirical evidence, the representations should leave the Sub-Committee to conclude that there was a very real threat of the fears or the dangers being described actually occurring, before applying any conditions to address such fears or dangers.
32. Surrey Police was satisfied that with the conditions and hours proposed, the operation of the licensed premises would not exacerbate the existing problems nor undermine the licensing objectives on the prevention of public nuisance or crime and disorder. Save for the practical training requirement, Surrey Police raised no concerns about the applicant's suitability to fulfil the role of Designated Premises Supervisor.
33. In the absence of representations from the Police and its non-attendance at the hearing, the Sub-Committee could not identify any reasons why the grant of this application would undermine the licensing objectives as set out in the Licensing Act 2003.
34. The Sub-Committee has decided to grant the licence subject to the conditions agreed with Surrey Police on 20 May 2014, which shall replace those set out in the operating schedule.
35. The full decision with reasons will be communicated to all concerned within 5 working days of the date of this hearing.

Decision

36. The Sub-Committee confirms that the application for a Premises Licence is granted subject to agreed conditions and modification by amendment of hours.

Date of Decision: 16 June 2014

Date of Issue: 20 June 2014

Councillor R.W. Sider (Chairman)
Councillor A. Ayub
Councillor C.A. Bannister

RIGHT TO APPEAL

You have a right to appeal this decision to the Magistrates' Court under Schedule 5, Part 1, Section 2 of the Licensing Act 2003, within 21 days of receipt of the Notice of Decision letter. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court which runs the administration for the courts in Surrey. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates Court can be contacted on 01483 405 300