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Our ref: GH/LIC
Date: 16 August 2017

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 10 August 2017
Applicant: Mr. Teerat Singh
Premises: TJ Food Hall
21 Edinburgh Drive
Staines-Upon-Thames
TW18 1PJ

REASON(S) FOR HEARING: Relevant representations received from other parties concerning Crime and Disorder and Prevention of Public Nuisance:-

- potential for increase in anti-social behaviour
- potential for increase in noise

DECISION

Granted subject to modification of conditions
With effect from 10 August 2017

REASONS FOR DECISION

1. The application is for a premises licence at 21 Edinburgh Drive, Staines-Upon-Thames, TW18 1PJ.

Attendance

2. Two people attended the Sub-Committee hearing to make representations. They are:
 - Mr. Teerat Singh, Applicant;
 - Mr. Robert Jordan, PR Retail Consultants, representative and agent for Mr. Singh.

Evidence

3. The Licensing Sub-Committee considered all of the relevant evidence made available to it at the hearing including:
 - The Report of the Deputy Chief Executive outlining the matter to be considered
 - Written representation from one interested party.

In addition the following documents were circulated prior to the hearing:

- An e-mail exchange between Surrey Police and the applicant's agent which agrees amended wording for the conditions about CCTV, staff training and the refusals register.

With the consent of all parties, an updated operating schedule containing the agreed conditions of Surrey Police was circulated by the Council's Licensing Enforcement Officer during the hearing.

4. In considering all of this evidence, the Sub-Committee has taken into account the Regulations and National Guidance under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

Application

5. An application for a Premises Licence at 21 Edinburgh Drive, Staines-upon-Thames, was received on 19 June 2017. The application was to permit the sale of alcohol seven days a week from 05.30 to 23.00.

6. The public was consulted in accordance with the Licensing Act 2003. The required notices were displayed and published in the Staines and Chronicle Informer on 30 June 2017.
7. The application generated one representation from other parties. No representations were received from any of the responsible authorities.

EVIDENCE

Background

8. The premises forms part of a parade of shops situated in a primarily residential area of Staines-upon-Thames. Other shops in the parade include two other convenience stores selling alcohol.
9. Surrey Police had liaised with the applicant regarding amended wording for the conditions about CCTV, staff training and the refusals register in advance of the hearing. The applicant agreed this new wording for inclusion in its operating schedule in place of that proposed, for such a time that the licence may be granted.

10. The agreed condition reads:

“CCTV system to consist of a colour digital recording and retrieval system and footage shall be kept for a minimum of 14 days and be capable of being downloaded onto a portable storage device, such as memory stick or DVD at no cost. The CCTV cameras shall cover the general public area and provide an image of all persons entering the premises through the public doors, to identification standard, that is frontal, rather than a profile, view of the face, with the person filling no less than 20% of the monitor screen and adequate lighting to ensure images are clear.

The premises licence holder shall ensure that the Information Commissioner’s office is notified of the CCTV system, and that the data controller is aware of the information Commissioner’s advice in relation to the storage and handling of personal data, including when it can be provided to third parties.

A staff member shall be on duty during the licensable hours who is able to retrieve and display images from the CCTV system upon a request by a police officer to do so. A downloaded copy of CCTV footage required in the investigation of a crime shall be provided to a police officer on request within any agreed timescale.

The CCTV system shall be checked weekly to ensure it is working in line with the requirements of the licence and an audit trail of these checks to be kept at

the premises and shall be immediately available upon request of an authorised officer.”

11. The applicant also agreed the following amendments to two other proposed conditions, with Surrey Police:
12. Refusal register: the time period of inspection by the DPS to be amended from regular to at least fortnightly. The refusals register to consist of a bound book with sequential numbered pages.
13. Staff training in ID procedure to be carried out at least every six months in line with the other training.

Applicant

14. The applicant’s representative Mr. Jordan, stated that no responsible authority had objected to the application. He detailed the training programme that Mr. Singh had in place; all staff members would attend a college course to obtain a Personal Licence and would not be permitted to work behind the till until they had achieved this qualification. They would receive training from Mr. Singh to only accept passport or driving licence ID and training on the use of a UV light pen to check their validity. Staff would be trained on the consequences of underage sales and awareness of proxy sales. Training would also consist of how to deal with groups of people to ensure no underage sales were made and to not serve street drinkers.
15. Mr. Singh confirmed that all staff would be trained in the use and operation of the CCTV system.
16. Mr. Jordan highlighted some other measures Mr. Singh had in place to ensure the premises operated in accordance with the licensing objectives; he would use a refusals register and incident book, and would report any problems to the police. Mr. Singh would operate an ‘only two children at a time’ policy and ask customers to leave the premises quietly. The premises would also use an EPOS terminal.
17. Mr. Singh advised that he had 15 years’ experience in the licensing trade. He worked in his brother’s licensed premises from 2002 and obtained a personal licence himself in 2009. He had worked in Tesco selling alcohol for two years and had run his own licensed premises.
18. Mr. Singh explained that the shop would open between 5.30am and 6am as it operated a paper round and he had applied for the sale of alcohol at the same hour as the opening time to ensure that he was compliant with the Licensing Act if a customer requested alcohol. However, he expected his main trade in alcohol to be later in the evening.

19. Mr. Singh advised that he will be living above the shop and when not working in the shop will still be available at any time if needed.
20. Mr. Jordan clarified a discrepancy in the application in relation to the licensing hours applied for and confirmed that the applicant wished to be able to sell alcohol from 5.30am every day of the week.

Representations

21. A written representation was received from one party raising the following objections to the application under the licensing objectives:

Prevention of crime and disorder

- A potential for increase in alcohol related crime and disorder

Prevention of public nuisance

- A potential for increase in alcohol associated anti-social behaviour
 - A potential for increase of noise nuisance throughout the day and night from customers
22. The written representation stated that there are already problems of noise and anti-social behaviour from the existing alcohol licensed premises in the area and the representor feared that a further premises selling alcohol would add to these problems.

Findings

23. The Sub-Committee has considered the representations made by the applicant and other parties and finds as follows: -
24. The applicant has demonstrated to the Sub-Committee that he has procedures in place to promote the licensing objectives on the prevention of crime and disorder and public nuisance including: CCTV inside the premises and a Challenge 25 policy in operation. Mr. Singh will also keep a refusals book and report any problems to the police. Comprehensive staff training will be carried out every six months and the shop will display notices to customers asking them to leave the premises quietly.
25. The Sub-Committee is impressed with the robust arrangements that are in place at the premises to promote the licensing objectives, including that all members of staff will attend a course to obtain a personal licence. The Sub-Committee is also impressed with Mr. Singh's length of experience in working in licensed premises. It is persuaded that Mr. Singh has a firm grasp of the

Licensing Act and would be committed to running a compliant establishment as he will be living above the premises.

26. The Sub-Committee has considered the written representation that there are already problems of noise and anti-social behaviour from the existing alcohol licensed premises in the area and that the representor fears a further premises selling alcohol would add to these problems.
27. The Sub-Committee can only determine this application on its own merits and cannot take into account the impact that other licensed premises are having on the licensing objectives. If the operation of other premises in the vicinity are causing problems of crime and disorder and anti-social behaviour, then these should be brought to the attention of the relevant authorities, i.e. Surrey Police and Spelthorne Borough Council's Licensing team.
28. The Sub-Committee has considered whether there is a very real threat of the fears described in the representation actually occurring. Due to the absence of the representor at the hearing, the Sub-Committee is only able to attach limited weight to the representation, as the representor's views and evidence could not be tested.
29. Furthermore, the Sub-Committee notes that none of the Responsible Authorities made any representations against the application, nor did Surrey Police corroborate the representor's allegations of antisocial behaviour in the shopping parade or raise an objection under the licensing objective of crime and disorder. The Sub-Committee therefore finds that there is very little evidence of anti-social behaviour and other crime and disorder.
30. The Sub-Committee is not persuaded that there is a real threat of the fears described in the written representation occurring.
31. Consequently, the Sub-Committee does not consider it appropriate or proportionate to apply any conditions to address the fears raised. In reaching this conclusion, the Sub-Committee has regarded Spelthorne Borough Council's Statement of Licensing Policy and paragraph 9.39 of the National Guidance which states that "any conditions imposed must be appropriate for the promotion of the licensing objectives."
32. In relation to the applicant's submissions regarding the licensing hours, the Sub-Committee is mindful of National Guidance that states at paragraph 10.15, 'shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.'

33. The Sub-Committee is also mindful of paragraph 16.2 of Spelthorne Borough Council's Statement of Licensing Policy:

16.2 Shops, stores and supermarkets

Shops, stores and supermarkets will generally be permitted to sell alcohol during the normal hours they are open for shopping. However, there may be very good reasons for restricting those hours. For example, a limitation on the hours that alcohol can be sold may be appropriate, following police representations, for shops known to be the focus of disorder and disturbance, or where youths gather and behave anti-socially.

34. The Sub-Committee therefore considers on the basis of the evidence that it has heard and the findings of fact that it has made, that there is no need to take further action for the promotion of the licensing objectives at these premises or depart from the Spelthorne Borough Council Statement of Licensing Policy or National Guidance.

Decision

35. For the reasons stated above, the Sub-Committee confirms that the application for a premises licence be granted subject to modification to the conditions as agreed with Surrey Police in advance of the hearing.

Conclusion

36. That is the decision of the Sub-Committee. A copy of this decision has been provided to all parties concerned within 5 working days of the Sub-Committee hearing.
37. You have the right to appeal against this decision to the Magistrates' Court within 21 days of receipt of this decision notice.
38. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court. 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.

Cllr R.W. Sider BEM - Chairman
Cllr S.A. Dunn
Cllr M.J. Madams

Date of Decision: 10 August 2017
Date of Issue: 16 August 2017

