

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING SUB-COMMITTEE**

**THURSDAY, 19TH JULY 2012 AT 5.30 P.M.**

PRESENT: Councillors Mrs. R. L. Dent, Mrs. H. J. Jones and R. J. Shannon

Observers: Councillor Ms. M. T. Buxton

Officers: Mrs. V. Brown, Sayful Alom and Mrs. P. Ross

Also in attendance: Mrs. N. Smith, Squires Sanders (UK) LLP, Applicant's Representative, Sarah Marklew, Trading Law Manager (Licensing), One Stop Stores Limited, Mr. M. Duerden, Acquisitions Manager, One Stop Stores Limited, Mr. S. Peters and Councillor J. Boulter.

6/12 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

**RESOLVED** that Councillor Mrs. R. Dent be appointed Chairman of the Sub-Committee for the meeting.

7/12 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

8/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

9/12 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant's representatives and all other parties present, so that they were satisfied that no person who may be in a position to influence the Sub-Committee withdrew from the meeting room when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman invited all those present to identify themselves.

The Chairman reminded all parties present of the procedure to be followed during the Hearing.

10/12 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF ONE STOP STORES LIMITED, 262 STATION ROAD, WYTHALL, BROMSGROVE, B47 6EY**

The Sub-Committee was asked to consider an application for a premises licence in respect of One Stop Stores Limited, 262 Station Road, Wythall, Bromsgrove, B47 6EY. The application was subject to a Hearing in light of representations received from four residents, Mr. M. Cheal, Chairman, Wythall Residents Association and Councillor J. Boulter on behalf of Wythall South Residents' Action Group. The basis of their representations related to:

- car parking, specifically due to the recently obtained Planning Consent for enlarging the shop to create a convenience store and therefore a potential increase in customers visiting the shop, many of them by car.
- The trading hours applied for enabling alcohol to be purchased as early as 6.00 a.m. and as late as 11.00 p.m. every night.
- Operational noise and light impacting on residents during the trading hours applied for.
- Litter and waste in the immediate vicinity.
- Issues which had been related to the previous premises when open, anti-social behaviour.

The Technical Officer, Worcestershire Regulatory Services (WRS) introduced the report and informed the Sub-Committee that no representations had been received from any of the Responsible Authorities. In response to the Chairman the Technical Officer confirmed that no trading was currently taking place on the premises.

The case for the applicant was put forward by Mrs. N. Smith, Senior Associate, Squire Sanders (UK) LLP, the applicant's representative. She informed the Sub-Committee that the previous licence holder, namely Threshers, had surrendered the licence in 2010. She informed all those present that Threshers had been a dedicated off licence and that One Stop was a retail convenience business with key focus on being a store for customers in the neighbourhood and not a dedicated off licence. She further reiterated as stated by the Technical Officer, WRS that no representations had been received from any of the Responsible Authorities with regard to the application. In response to the representations raised Mrs. Smith highlighted that car parking was not a licensing objective and that there was a dedicated car parking facility located on the premises. Mrs. Smith informed Members that no representations had been received from the neighbouring residents or residents on Station Road and Norton Lane.

In response to the representations raised with regard to anti-social behaviour, Sarah Marklew, Trading Law Manager (Licensing) for One Stop Stores Limited, informed the Sub-Committee that One Stop took their compliance responsibilities very seriously and had developed in partnership with their home authority, Walsall Metropolitan Borough Council, a policy on the management of age restricted sales and due diligence procedures to prevent these. One Stop operated a 'staff safe' system which allowed staff to alert a monitoring centre of shoplifting and anti-social behaviour.

At the agreement of all parties present copies of the One Stop Information for Enforcement Officers, Age Restricted Sales Management, One Stop's Ways of Working, produced in partnership with Walsall Metropolitan Borough Council and Stay Safe by using Staff Safe were provided to all parties present and Members of the Sub-Committee.

Sarah Marklew further responded to the representations made with regard to litter and explained that One Stop would provide litter bins at the premises and as stated in the operating schedule a regular litter pick of the store's external area would be carried out.

In response to the Chairman, Mr. M. Duerden, Acquisitions Manager, One Stop Stores Limited explained that deliveries would take place at the rear of the store. Sarah Marklew further informed the Sub-Committee that delivery times would depend on the distribution centre but a delivery risk assessment would be carried out at the premises.

At the invitation of the Chairman Mr. S. Peters spoke on behalf of Wythall Residents Association. He informed the Sub-Committee that residents had expressed concern with regard to the extended opening hours as detailed in the application as the area was predominantly residential. Residents' main concerns were alcohol being purchased at 6.00 a.m. and potential anti-social behaviour. Residents would therefore welcome reduced opening hours.

At the invitation of the Chairman Councillor J. Boulter spoke on behalf of Wythall South Residents' Action Group. Councillor J. Boulter informed the Sub-Committee that the premises was immediately neighboured by two residential properties. With the proposed extension to the premises the general operational noise and light between early morning and late evening would impact on residents who lived just a few metres from the premises and residents would therefore welcome a shortening of the licensing hours applied for.

Councillor J. Boulter responded to Members' questions with regard to whether or not concerns had been raised by the two residential dwellings next to the premises and the proximity of those residents who had expressed their concerns to Councillor J. Boulter.

Having had regard to:

- The licensing objectives set out on the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The Report presented by the Technical Officer, Worcestershire Regulatory Services
- The application and representations made by the Applicant's Legal Representative
- The relevant representations made in writing and at the hearing from Wythall Residents Association, Wythall South Residents' Action Group, and the four residents representations made in writing

**RESOLVED** that the application for a premises licence relating to One Stop Stores Limited as set out in the Operating Schedule, be granted.

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee had considered the written application made by the applicant and the oral representations made by the applicant's solicitor.
- The Sub-Committee had considered the written representations received and had had regard to the oral representations made by Mr. S. Peters and Councillor J. Boulter.
- The Sub-Committee noted that no representations had been made by any of the Responsible Authorities.
- The Sub-Committee noted that no objections had been received from either of the immediate neighbouring properties.
- It was noted that objections were raised regarding the extent of the hours, however the Sub-Committee did not consider that the hours sought breached the licensing objectives.
- The Sub-Committee disregarded the objections raised that fell outside the licensing objectives namely parking and planning issues.
- In relation to anti-social behaviour and litter the Sub Committee considered that the proposal as set out in the Operating Schedule met the licensing objectives and had addressed any concerns raised.

The following legal advice was 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.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The meeting closed at 7.24 p.m.

Chairman