

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

TUESDAY, 6TH NOVEMBER 2012 AT 3.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent, Ms. M. T. Buxton and S. P. Shannon

Observers: Councillor S. J. Dudley

Officers: Mrs. V. Brown, Mr. S. 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. D. Green, Chartered Surveyor, One Stop Stores Limited and Mr. S. Peters.

11/12 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

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

12/12 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

13/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

14/12 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant's representative 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 with the Sub-Committee 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.

15/12 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF ONE STOP STORES LIMITED, 1A DRAKES CROSS PARADE, WYTHALL, BROMSGROVE, B47 5HD**

The Sub-Committee was asked to consider an application for a premises licence in respect of One Stop Stores Limited, 1A Drakes Cross Parade, Wythall, Bromsgrove, B47 5HD. The application was subject to a Hearing in light of representations received from three residents and Wythall Residents Association. The basis of their representations related to:

- The premises being situated within an area subject to a Designated Public Places Order (DPPO).
- The increased availability of alcohol would attract more anti-social behaviour.
- 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.
- Concerns in respect of crime and disorder and the prevention of public nuisance.

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. The Technical Officer, WRS stated that an email had been received from the police confirming that the area was not a hot spot for crime and disorder.

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 store had been trading since September 2011 from 6.00 a.m. to 11.00 p.m. The application therefore reflected the current opening hours of the store. The store was a retail convenience store and post office and would not be a dedicated off licence. Mrs. Smith further reiterated as stated by the Technical Officer, WRS that no representations had been received from any of the Responsible Authorities.

In response to the representations raised with regard to anti-social behaviour, Mrs. Smith informed the Sub-Committee that there were several internal CCTV cameras and that One Stop Stores Limited had robust policies in place on age restricted sales and due diligence procedures to prevent these.

Sarah Marklew, Trading Law Manager responded to Members' questions in respect of the Stay Safe by Using Staff Safe information that had been provided with the application.

At the invitation of the Chairman Mr. S. Peters spoke, as a resident and on behalf of Wythall Residents Association. He informed the Sub-Committee that concerns had been raised with regard to alcohol being sold during the stores trading hours and residents felt that the extended hours would exacerbate anti-social behaviour that was already an issue in the area.

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 for Licensing

- The application and representations made by the Applicant's legal representative.
- The relevant representations made in writing and the oral representation at the hearing by Mr. S. Peters on his own behalf and on behalf of Wythall Residents Association.

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 and oral representations made by the Applicant's legal representative.
- The Sub-Committee had considered the written representations received and had had regard to the oral representation made by Mr. S. Peters during the Hearing.
- The Sub-Committee noted the objection specifically related to crime and disorder but did not consider that any evidence to support the objection had been forthcoming.
- The Sub-Committee noted that no objections had been raised by any of the Responsible Authorities and that the police had not agreed with the suggestion that the area was a "hot spot" for crime and disorder.
- The Sub-Committee did not consider that the hours sought breached the licensing objectives.

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 4.06 p.m.

Chairman