

**BOROUGH OF REIGATE AND BANSTEAD**

**LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate at 2.34 pm on Monday 8 April 2013.

Present: Councillor S T Bramhall (Chairman); Councillors N D Harrison and F Kelly

**39. APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE**

There were no apologies for absence and membership of the Sub-Committee was as set out above.

**40. MINUTES**

**RESOLVED** that the minutes of the meeting held on 15 February 2013 be **CONFIRMED**.

**41. DECLARATIONS OF INTEREST**

Councillor Kelly declared a non-pecuniary interest in item 5 on the agenda because two of the objectors attended the same church as himself, one of whom was present at the meeting to speak.

All those present noted this and confirmed that they were happy to proceed.

**42. LICENSING HEARING PROCEDURE NOTE**

**RESOLVED** to note the hearing procedure note tabled at the meeting which would be followed at the discretion of the Chairman.

**43. APPLICATION FOR A NEW PREMISES LICENCE: SS FOOD & WINE, 71 FRENCHES ROAD, REDHILL**

**Public speakers:**

*For the applicant\*:*

*\*Mr Theverasa was in attendance with Mr Jesuthasan*

*Mr Suresh*

*Surrey Police:*

*Mr M Hume*

*Representations against the application:*

*Mr J Clarke*

*Mrs M Smith*

*Mrs G Billing*

*Mrs L Beaver*

*Mr M Threadgold*

The Sub Committee considered an application for a new premises licence in respect of the above premises, to allow the sale of alcohol from 06h00 to 23h00, Monday to Sunday. The opening hours of the premises were from 06h00 to 23h00.

The annexes to the report before the Sub Committee set out the application in full, a location plan, copies of representations received from local residents and from Surrey Police, being a responsible authority.

The parties made their submissions and responded to questions from the Sub Committee, during the course of which the following points were noted:

**On behalf of the applicant:**

- The premises would be run as a small family business with the applicant living locally.
- The shop, which was previously empty, had been completely refitted, including the installation of hi-tech CCTV with 16 cameras.
- Only around 10-15% of the overall sales would be alcohol-related.
- The alcohol would be displayed and secured in an area where it could be closely monitored to prevent theft, as shown on the plan annexed to the report on the agenda.
- All staff at the premises would be personal licence holders and would be fully trained with six-monthly refresher training.
- The applicant was aware of the local concerns. He would be joining Neighbourhood Watch and was keen to participate in the community and to cooperate with the residents and Surrey Police.
- A Challenge 25 policy would be operated.
- Many of the concerns raised by residents related to crime and disorder problems and incidents in the past. The applicant should not be held responsible for historic events.
- Equally so, there was no proof to say that incidents such as damage to cars were directly attributable to the premises.
- The applicant was keen to work with the police and to co-operate to prevent crime and disorder.
- Sale of alcohol would be refused to people known to be a problem. An incident book would also be maintained.
- There was already an off-licence in close proximity and a Tesco Express on the neighbouring Watercolour development, both of which sold alcohol.
- Signs would be displayed asking customers to respect local residents by being quiet.
- The new shutters were automatic and would not make a noise.
- Sales would be aimed at local residents unlikely to be coming by car, so impact upon parking should be minimal.
- There were many other local residents in support of the shop in counter-balance to the 15 objectors who had made written representations.
- The shop needed to remain open long hours in order to survive in the current economic climate.
- The applicant had no connection with the previous establishment.

- The applicant would be happy to comply with all conditions recommended by Surrey Police, apart from condition 6 which asked for two members of staff to be on duty at all times after 20h00. Setting this as a condition was felt to be onerous as there would undoubtedly be occasions during the week when the shop was quiet in the evening. Because it would be a family-run concern the applicant wished to retain flexibility so that one or other of the staff could use quiet periods to do other things away from the shop.

**On behalf of Surrey Police:**

- There had historically been crime and disorder incidents in the area and the conditions were aimed at preventing future problems.
- Mr Hume had not had an opportunity to discuss the detail of the conditions with the applicant before the meeting.
- Surrey Police had no current plans for designating the area as a cumulative impact zone.
- Police records showed two instances of under-age sales linked to the previous premises. Several crimes had been reported in the area but could not be directly linked to alcohol sales from the premises.

**On behalf of the objectors:**

- A main objection was the long hours requested by the applicant.
- In the past there had been problems from people coming back from the pub. Youngsters also congregated to drink around the footbridge into the estate.
- When the previous premises were open damage had been caused to cars and litter had been a problem as well.
- Having CCTV was unlikely to make much difference.
- The previous nuisance had stopped when the previous shop closed.
- There was already an off-licence and Tesco Express in the area where people could buy alcohol.
- Under-age drinkers would be getting adults to buy on their behalf.
- There was a lack of parking in the vicinity and the shop's customers were likely to exacerbate this.
- East Surrey College was actually closer than the applicant's representative had suggested and students may try to buy alcohol from the store.
- The premises were within a Designated Public Places Order (DPPO) zone, meaning that the Sub Committee could consider whether there would be a cumulative impact upon crime and disorder under the licensing objectives, from an increase in the number of premises selling alcohol.
- It was for the Sub Committee to decide whether any or all the conditions proposed by Surrey Police should be attached to the licence if granted.
- Residents were worried about crime and disorder problems related to alcohol sales, which were most likely to occur after the shop closed for the night.

- It was appreciated that the applicant intended doing anything he could to help, but they were not reassured that this would prevent crime and disorder.
- The off-licence closed at 7 pm and they would like to see the shop doing the same.
- There were no problems from the other shop because they refused to sell alcohol to intoxicated customers and sales were low.

*Note: The objectors wished to introduce new evidence related to police statistics for the area, based around crime statistics and alcohol sales. The Chairman refused to allow this because all evidence had to be submitted in advance and circulated to all parties in the interest of a fair hearing.*

*The Sub-Committee adjourned to deliberate at 3.18 pm  
and resumed to give its decision at 3.57 pm.*

**RESOLVED** that the application for a premises licence in respect of SS Food & Wine Stores be granted in the following terms:

**Section M – supply of alcohol:**

*to be*

06h00 to 21h00      Monday to Sunday

**Section O – hours premises are open to the public:**

*are*

06h00 to 23h00      Monday to Sunday

**Conditions to be attached to the licence:**

1. A CCTV system must be installed on the premises to the standards required by Surrey Police. The system is to be fully maintained at all times with monthly maintenance checks being undertaken and operational at all times when the premises are open and undertaking licensable activities. The system must cover all internal public areas and immediate exterior of the premises aimed at preventing crime and disorder. At least one camera shall provide clear images of people entering and leaving the premises. All staff must be fully trained in the operation of the system and a record kept of this training including a record of system maintenance retained on the premises for inspection by any responsible authority on request. There must always be a member of staff on the premises able to operate the system when the premises are open and carrying out any licensable activity. All CCTV footage to be retained for a minimum of 31 days and made available either for viewing or in a format that can be downloaded within 24 hours of any request being made by a police officer or authorised person.
2. The age verification policy required by the mandatory conditions shall specify the age of 25 instead of 18 so as to require that any person who appears to be under the age of 25 shall be asked to provide proof of age in the required format before being sold or served alcohol.

3. An incident log is to be maintained and made available to any responsible authority upon request.
4. A refusals log is to be maintained and made available to any responsible authority upon request.
5. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive training in age restricted sales. Induction training must be completed and fully documented prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than eight weeks. All age-restricted sales training shall be fully documented and recorded. All training records shall be made available to Surrey Police and Surrey Trading Standards on request.
6. A notice is to be displayed in a prominent position to remind customers that the area is subject to a Designated Public Place Order.
7. All the above conditions (1-6) are to be in place before the sale of alcohol commences.

### **Reasons for the decision**

In reaching its decision the Sub Committee has:

- (a) reviewed all the papers contained in the report circulated with the agenda;
- (b) paid careful attention to all the submissions made orally during the hearing, by the applicant, Surrey Police a responsible authority, and the objectors;
- (c) paid careful attention to all those objectors who made representations in person;
- (d) had full regard to the concerns raised about the four licensing objectives raised by all parties;
- (e) noted the concerns of the objectors, namely that granting of a premise licence would have an adverse effect on the local community, in particular crime and disorder and public nuisance;
- (f) taken into account the Council's own Statement of Licensing Policy, the Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003, the individual merits of the case, human rights legislation and in particular Article 8 and the First Protocol of Article 1, and the rules of natural justice;
- (g) noted that the application is for a new family business which has no connection with the previous premise licence holder; and
- (h) given due consideration to concerns raised by the objectors about cumulative impact.

44. **MEDIATED APPLICATION: ST JOSEPHS PARISH CENTRE, LADBROKE ROAD, REDHILL**

**RESOLVED**, that the application be granted as applied for and as set out in the agenda.

The meeting closed at 3.59 pm