To be submitted to the Council at its meeting on July, 2018.

LICENSING SUB-COMMITTEE

7th March 2018

PRESENT: Councillors Harness, Mickleburgh and Rogers

Officers in attendance:

Iain Peck Senior Licensing Enforcement Officer
Adrian Moody Licensing Manager
Eve Richardson-Smith Solicitor
Beverly O’Brien Scrutiny and Committee Support Officer
Amy Woodhouse Legal Support Specialist

Also in attendance:

Brian Duke Interested Party
Peter Marcus Barrister representing the Applicant
Paul Thurairajah Applicant

The meeting was also attended by 2 members of the public.

LSC.16 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor Mickleburgh be appointed Chair for this meeting of the Sub-Committee.

COUNCILLOR MICKLEBURGH IN THE CHAIR

LSC.17 DECLARATIONS OF INTEREST

There were no declarations of interest by any member of the Sub-Committee.
APPLICATION TO VARY A PREMISES LICENCE – TRINITY LOCAL, 311-313 PELHAM ROAD, IMMINHAM.

The Chair introduced himself, other Members of the Sub-Committee and asked the Officers present to introduce themselves.

Mrs Richardson-Smith explained the procedure for the hearing and ensured that everyone in attendance had copies of the agenda and supplementary documentation they required for the meeting. She asked if either of the parties present wanted to produce any further information or had any applications to make.

With no application being made, Mr Moody went on to clarify the application and stated that the report said that the ward implications for this application was West Marsh, but the application actually affected Immingham Ward. He also stated that an error had been made in terms of the report stating that the applicant had undertaken to provide signage asking for people to leave the building to respect neighbours and to keep the noise to a minimum.

Mr Moody clarified that several representations had been made by interest parties, but he went through the observations that were relevant to this premises licensing application. He stated that the premises was not in a Cumulative Impact Zone and within the pack, outlined conditions had been included from Humberside Police to help prevent Crime and Disorder in the area.

The Chair invited Mr Marcus to address the Committee. He informed Mr Marcus that he had twenty minutes to put forward his views across.

Mr Marcus stated that this was a straight forward application for a corner shop off-licence. He specified that the applicant already operated a shop in Ashby, which had a license to sell alcohol from that specific local authority. He had not had any issues with regards to that premise and as the issues raised had all been made by the local residents and Mr Thurairajah wanted this shop to be part of the local community, even if it is not a legal requirement, he thought it was best that it was accepted socially, so he was happy to try and adhere to some of the requests made within the representations received.

Mr Marcus indicated that Mr Thurairajah now proposed that the premise be open from 6am-11pm, but for the license to state that alcohol could only be sold from 8am–10pm Monday to Saturday. Mr Marcus also stated that as there was a church opposite the site, he was willing to only sell alcohol 10am to 10pm on Sundays. Even though he was not currently a practising Methodist, he had been brought up in a Methodist household so he understood the concerns the church had and wanted to respect the services and change the proposed times he sold alcohol as part of the application.
Mr Marcus explained that the applicant’s current shop did not currently experience any anti-social behaviour in Ashby, but understood that there was a possibility that a premise like this could. He stated that the applicant had a training programme that helped staff with the ‘challenge 25’ scheme and allowed them to feel confident to recognise when someone may be buying for someone else. There was a parking bay outside for 3-4 cars which allowed individuals to park there for 1 hour. Nevertheless, Mr Marcus expressed that the shop would mostly attract walking trade. There were other alcohol outlets close by, which sold alcohol from a 6am start and finished at 11pm. The applicant acknowledged that it was located in the middle of a residential area, but he believed that the selling times he had proposed would help resolve any concerns. He has communicated with Humberside Police about the CCTV conditions and they have put forward their views. Mr Marcus believed that the presence of CCTV would be a tool to counter anti-social behaviour, help deter any issues and would also be made available to responsible authorities if required.

Mr Marcus identified that there were already convenience shops next to the Pizza outlet so this would not be the first shop of this type in the area. They did not think individuals would congregate outside this shop, as they believed it would be outside the bigger outlets. Mr Marcus identified that Mr Thurairajah used to be an IT consultant, but he had recently given that up to manage the shop he currently owned in Ashby full time. Therefore, his income was dependent on how the shop was run and on it doing well. The Fire Brigade had given Mr Thurairajah a couple of recommendations for the shop, but other than that they were happy for the business to go ahead.

The Chair opened up the discussion for Members of the Sub-Committee to ask the applicant and his barrister questions.

Members stated that the shops Mr Thurairajah ran were not close together, Members wondered who would be in the new shop to attend to any new issues that arise. Members also acknowledged that he may not have experienced problems at his current store, but Members were aware of anti-social behaviour issues in Immingham. They wondered how he and his staff would deal with these sorts of issues.

Mr Thurairajah stated that he would be at the new premises for the first 12 months to make sure the business gets off to a good start, but afterwards he would be employing experienced local staff. He explained that if any anti-social behaviour or congregation were to occur outside the shop then he would observe the situation for 5 – 10 minutes to see if an issue was going to occur or whether they were actually going to enter or buy anything from the shop. If it’s apparent that they were not going to enter the shop, staff would ask individuals to move on and not assemble outside. Mr Thurairajah identified that at his current shop, he had developed a relationship with the community and knew young people’s parents, so if there were issues, he would feel confident
enough to communicate with their parents to try and resolve the issues occurring.

Councillor Rogers knew that PCSO’s had an active duty in the area, she wondered whether the shop would build a relationship with them.

Mr Thurairajah stated that he would try to build a working relationship with them when they visited the premise.

Members had concerns on how the premise would handle ‘Challenge 25’ and wondered how they would handle situations where people were buying alcohol for others.

Mr Thurairajah explained that from past experience he had been able to tell if they are buying for friends by observing whether they were buying something cheap and whether it was a big box of something on offer. If they do have any concerns, they would ask the person and if in doubt they would not serve them. He was looking to employ local people, so hopefully with it being a tight community people would know each other to stop this from happening. Mr Thurairajah confirmed that he would provide members of staff with training needed to adhere to the ‘Challenge 25’ policy and he also asked for staff to sign a confirmation pack that they had been provided with the training in question.

Members had no other questions for the applicant so the Chair invited interested parties to have their twenty minutes to address the sub-committee.

Mr Duke introduced himself and started by wondering why residents were not informed of this premises licence application. The shop and area had not been visited by the applicant and they wondered whether he was aware that it was within a residential area and an active street that was close by to a church. Residents were worried that customers would use the church parking area as a consumption area to drink their alcohol and residents did not want the shop’s name to relate to the church. Mr Duke passed round photos of the road where people would park and indicated that there were double yellow lines on the road. He stated that the bay mentioned for parking was usually full and they were worried that this kind of shop would encourage crime and disorder and parking issues. The area was currently free of anti-social behaviour and he was happy to see that the Police had recommended the use of CCTV. The premises was on a school route and the church was used by the young and elderly for various functions and church activities. Mr Duke criticised the hours the applicant had applied to sell alcohol and he was adamant that this would encourage underage drinking, as well as creating a public nuisance, therefore, they asked for Members to consider refusing this application.

Mr Duke concluded by stating that the premise would increase the risk of people drinking alcohol close by to the church and it was highly likely
that individuals would then congregate in the church yard. He believed that it was important to protect local residents and stop anti-social behaviour from happening.

The Chair invited Members to ask the interested parties any questions they had.

Members queried why residents had an issue with the name of the shop put forward on the application and why residents believed that this shop would make parking and litter worse when there was already premises there that could also cause these issues.

Mr Duke explained that residents did not want the shop to be associated with the church and even though litter and parking was already an issue, an extra premise like this one would make things worse.

The Chair queried why there had been no engagement from the applicant with residents and why residents had not been notified of this application.

Mr Moody stated that the applicant had advertised the application in the local newspaper and put up a notice on the store front. He stated that this was in line with legislation and the applicant or local authority was not obliged to inform residents of any such application.

The Chair asked the applicant and the interested parties if they wanted to make a closing speech to sum up their testimonials.

Mr Marcus cleared up a few of the points raised by the interested party. He stated that the name of the shop had now been changed to ‘Pelham Local’ and the applicant had visited the area on several occasions. There were only double yellows lines on one side of the road and he clarified that 80% of the sales from the shop would be of groceries. There was a litter issue everywhere and the operator will do everything they can to prevent litter accumulating. The applicant was happy to adhere to the recommendation for CCTV and Mr Marcus pointed out that it was in the shops interest to be socially accepted within the area as well as keeping/providing evidence through CCTV that responsible authorities may request.

Mr Duke stated that points had been raised comparing this premise to others close by, but he wanted to highlight that none of these premises were anywhere close by where young people could congregate or where toddlers and young people attended the area for church activities. He believed that Members had the opportunity to prevent a public nuisance and he hoped they would adhere to this.

The Sub-Committee withdrew to deliberate the matter. After an interval, the Sub-Committee returned to advise of their findings.
The Licensing Sub Committee thanked all parties for attending and expressing their representations, which they had taken into consideration during their deliberations.

They acknowledged residents’ concerns, some of which were outside the licensing remit. They accepted there may be issues with anti-social behaviour in the local area, but there was no evidence to suggest that this particular premise would have any detrimental impact. The Licensing Sub Committee noted that no representations had been made by any of the Responsible Authorities.

The Applicant currently ran a well-established off licence in Ashby and therefore was well used to operating a shop that sold alcohol. He operated policies to deal with congregations of youths, which he would transfer across to these premises. The vast majority of sales were likely to be groceries, not alcohol, and would be walk-in customers, rather than vehicle passing trade. It was in the applicant’s best interests for the business to run smoothly.

In view of this, the Licensing Sub Committee was minded to grant the application with the modified conditions, including the change of name to ‘Pelham’s Local’, the reduction in hours for sale of alcohol to 8am-10pm Monday to Saturday & Sunday 10am-10pm, CCTV and a challenge 25 policy.

They were pleased to hear that local people would be employed within the shop with local knowledge of issues which were of concern to local residents.

They wanted to remind all parties that a Premises Licence was subject to the power of review if it was considered the licensing objectives were not being promoted.

RESOLVED – That the Premises Licence be approved, with the modified conditions mentioned above.

There being no other business, the Chairman thanked those in attendance for their contributions and concluded the meeting at 2.47 p.m.