
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

21 JULY 2014

Present –

MEMBERS:

Councillors Mrs Green (Chairman), G Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader/Barrister
S Taylor	Lead Licensing Officer
P Duff	Member Support Officer

Other Persons Present:

Mr G Patel	Applicant
Mr S Kandaswamy	Leasee of 29 Lawn Lane
Inspector G Holland	Hertfordshire Constabulary
M Ward	Licensing Investigator, Hertfordshire Constabulary

The meeting began at 2.30 pm

1. INTRODUCTIONS

The Chairman introduced herself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The minutes of the meetings held on 2 June and 9 June 2014 were agreed by the Members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

No interests were declared.

The Chairman informed the Sub-Committee that she was the Ward Councillor for Berkhamsted West and she had not visited the premises.

Councillor Sutton declared that he was the Ward Councillor for Leverstock Green, he knew of the premises but had not visited them.

Councillor Taylor declared that he was the Ward Councillor for Gadebridge, he knew of the premises but had not visited them.

5. LICENCE HEARING

The application was for the variation of a premises licence:

Lawn Lane News
26 Lawn Lane
Hemel Hempstead
Hertfordshire

The Chairman asked the Members of the Sub-Committee to confirm that they had read the agenda. Councillors Sutton and Taylor confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with. The Legal Governance Team Leader confirmed that they had.

The Chairman asked if any further information had been received. The Lead Licensing Officer advised that no further information had been received.

Timescales for submissions were discussed and it was agreed that all parties would have 5 minutes to make a statement.

The Chairman then invited the Review applicants to make representations to the Sub-Committee.

Mr Patel made the following statement:

- He was the premises licence holder.
- Mr Kandaswamy, who was the Leasee stayed on the premises.
- The premises had a link to the Police via the panic alarm.
- There was new CCTV and an updated computer system.
- The area around the premises has street lighting..
- Mr Kandaswamy, would give his reasons for wanting to increase the trading hours.

The Chairman asked Mr Kandaswamy to make his statement.

Mr Kandaswamy made the following statement:

- He would like a slight increase in the business.
- Town centre competition was too much.
- They were trying to make a good business on all goods sales.
- They would like to sell alcohol throughout their opening hours.
- The Tesco store was two minutes away, had a 24 hour licence and was open until midnight.
- Sainsbury had a 24 hour licence and was open until 23.00 hours.
- The Shell garage had a 24 hour licence and he had purchased alcohol from them after midnight.
- The pub next door opened until midnight on weekdays and until 02.00 hours at weekends.
- They had trained staff who would not sell to people who had already consumed alcohol.
- The shop would be closed before the pub had closed so there should not be an issue of customers purchasing alcohol after leaving the pub.

The Chairman asked Inspector Holland to make his statement.

Inspector Holland made the following statement:

- The Police had serious concerns regarding the application.
- To extend the opening hours of the off-licence within the convenience store would be likely to lead to an increased level of anti-social behaviour, crime and disorder.
- From Police records there was no off-licence within Dacorum with opening hours after 23.00 hours, including all retail outlets.
- Some retail outlets had 24 hour opening but shut the licensed section at 23.00 hours. The reason off-licences closed at 23.00 hours was to prevent a retail establishment becoming a hot spot for crime and disorder.
- It was likely if the variation was granted, the majority, if not all, potential customers entering this store after 23.00 hours would be intoxicated and it would be an offence for the designated premises supervisor, personal licence holder or a member of their staff to sell alcohol to these individuals.
- If staff refused to sell alcohol to intoxicated individuals this would likely lead to disorder and anti-social behaviour.
- The premises was located within 50 yards of the Queen's Head public house and those customers may frequent the store which was located near to residential premises. If it became an area for youths to congregate, it would become a public nuisance and would lead to an increase in drink driving.
- From a policing point of view with regard to the location of Hemel town centre and the footfall at the present moment, the Police managed to keep violence and disorder to an acceptable level.
- Where Lawn Lane was situated, it was likely as people left the licensed premises, if they knew there was an off-licence open past 23.00 hours, they would frequent that area.
- There was fear of an increase in crime, an increase in disorder and an increase in anti-social behaviour.

The Chairman asked the Sub-Committee members if they had any questions for the Licence Holder, the Leasee or the Police.

Councillor Sutton asked how many people lived on the premises who were of the correct age to sell alcohol.

Mr Kandaswamy advised there were four people.

Councillor Taylor asked how many staff were trained and what they were trained in.

Mr Kandaswamy said staff were trained in the law of alcohol sales, who they can sell to, judge if the customer had consumed too much alcohol and how to politely refuse to serve them with alcohol.

Councillor Taylor asked who conducted the training.

Mr Kandaswamy advised it was internal training. Two members of staff had obtained licences and two were waiting to get a personal licence.

Councillor Taylor asked if Mr Patel was the responsible person.

Mr Kandaswamy said two members of staff held licences and two had applied for licences. The Police had said that nobody sold alcohol after 23.00 hours. He had purchased alcohol recently at 23.35 hours at Tesco and again at 00.30 hours at the Shell garage.

Mr Patel said the emphasis was being put on the possibility of serving alcohol to people who were drunk but consideration should be given to people who work late. It was not true that everyone came in drunk after 23.00 hours.

The Chairman asked if there were many entries in the refusal book.

Mr Kandaswamy said the entries were mainly under age customers. Most customers were regulars. It was rare that an unknown customer came into the shop. If a customer looked under 25 they were asked for ID. Mr Kandaswamy kept copies of their licence if they were regulars.

Councillor Sutton said that Mr Kandaswamy had said the application was a small variation in time but it added up to an extra 30.5 hours extra licensing time. This was over an extra day in sales which was not a small adjustment.

Mr Patel suggested amending the variation to 24.00 hours Sunday – Thursday and to 01.00 hours Friday and Saturday.

The Chairman asked for confirmation that Mr Patel was offering to apply for a licence until 24.00 hours Monday – Thursday and 01.00 hours Friday and Saturday.

Mr Kandaswamy said he may not open all those hours but wanted to have the opportunity to open. The costs were more than his earnings.

Councillor Taylor said he thought the licensee was Mr Patel.

Mr Kandaswamy said that he was the one on the premises.

The Chairman asked Mr Patel if he left everything to Mr Kandaswamy.

Mr Patel said he left it mainly to Mr Kandaswamy but he would be called in if Mr Kandaswamy was short staffed.

The Chairman asked Inspector Holland for any observations.

Inspector Holland said he was not concerned with the store opening later to sell convenience foods, the issue for the Police was selling alcohol and the type of people that would attract. If this variation was granted, the leasee would not have a clue who some of those customers were. With that type of issue there should be approved door staff to prevent disorder. There were lots of family members on site but none had been trained in conflict resolution in how to prevent this type of disorder. The major concern was the disorder and anti-social behaviour that could be caused.

The Chairman said without any history of incidents the Sub-Committee had no background to refer to. They had to note the advice of the Police and try to reach an accommodation between the two parties. The Council did not want trouble in Lawn Lane.

Inspector Holland said the fact that there had been hardly any incidents at all showed how successful the 23.00 hours cut off point was. Anything after that was likely to encourage crime. A lot of licensed premises had to spend a lot of money to have approved door staff.

The Chairman asked how long CCTV records were kept.

Mr Kandaswamy said it was kept for 40 days. SRS was there to prevent an incident happening inside the store. What was going to happen outside was going to happen.

Councillor Taylor said he had not been convinced there was any reason the licence should be increased an extra two hours morning and night. Was the fact that there was no evidence of major problems at these premises because the licence had been set at the right level? If the opening hours were increased, would there be more anti-social behaviour as intimated by the reports from the Police and Environmental Health? Councillor Taylor said he was happy with the licensing hours currently held and the licensee was maintaining a good organisation. He did not feel convinced that the licence should be extended to 06.00 hours to 01.00 hours.

The Legal Governance Team Leader said she had looked at the current case law and referred to a case called Thwaites.

The Chairman asked for confirmation there had been no representations from neighbours.

The Lead Licensing Officer confirmed there had been no representations other than the one from the Police.

Mr Patel said he would be happy to extend the closing to 12.00 hours and keep the morning opening to 08.00 hours as a trial period to see if there were any objections.

The Chairman asked the other two members of the Sub-Committee for their views, bearing in mind the licensing objectives.

Councillor Sutton said he would give this consideration as he could not see any point in opening at 06.00 am.

The Legal Governance Team Leader said if the Police and the applicant were in agreement a decision could be made.

The Chairman said this would be a compromise and asked the Lead Licensing Officer for confirmation that a trial period could be granted.

The meeting was adjourned at 3.00 pm for the proposals to be examined,

The meeting was reconvened at 3.10 pm.

The Chairman asked both parties to sum up their statements.

Inspector Holland said the following:

“I have been in community safety for 14 years. One of the major concerns is alcohol and the problems it causes under the licensing objectives about the prevention of crime and safeguarding children. I worked in South Oxhey where there were a lot of issues around domestic violence and injury to children through alcohol.

My view is by extending the licence past 23.00 hours it would be likely to cause significant issues for the Police in the future through anti-social behaviour and failure to comply with the licensing objectives and the hidden crimes of, domestic violence and abuse. This would be the only premises in Dacorum to sell alcohol after 23.00 hours.

Since the new Licensing Act has been in place the hours for off-licences have worked. The amount of anti-social behaviour around off-licences has reduced because everyone has more or less complied with the same structure and hours. This could open the floodgates for lots of premises in Dacorum to increase their hours and give an increased burden on Police resources in Dacorum. I would not be in favour of extending the hours at all.“

The Chairman said the Sub-Committee took note of what the Police had to say. It was important to try and accommodate their issues. On the other hand there was no evidence to work with. The Sub-Committee had been assured by the licence holder and the people who resided at the premises and would be running the shop that they were convinced they would be able to manage the premises properly.

Mr Patel had offered to compromise on the application, keeping the Sunday hours as at present for one year in the first instance. The Chairman asked members of the Sub-Committee if they felt able to accept that.

The Lead Licensing Officer advised that within the Licensing Act there was no provision to grant a trial period. Once the application was granted it was granted. Should Mr Patel wish to increase the hours at a later date, he would need to put in another variation application. In addition, the Police could seek a review of the premises if there was evidence of problems.

The Chairman said if there were any problems the licence could be called in the next day. The Chairman then asked members of the Sub-Committee for their thoughts on extending the alcohol licence from 08.00 hours until 24.00 hours for five days with Sundays kept as at present.

Councillor Taylor said he was originally in agreement with a temporary trial alcohol licence of 08.00 – 24.00 Monday to Saturday and 10.00 – 22.30 on Sundays and public holidays for a year. When confirmation was given by the Lead Licensing Officer that there was no provision in the Licensing Act to grant a trial licence, and Inspector Holland had made his statement, Councillor Taylor said he was tending to agree with Inspector Holland. With the situation as it was at the moment he did not think he could go against the advice given by the Police, even though there was no evidence of problems with the premises.

Councillor Sutton expressed concern that the Council did not have the ability to offer a trial period. With that not being available, Councillor Sutton said he would go with the Police suggestion of keeping the licence as it was now.

Vote

Those who wish to keep the hours for opening and the sale by retail of alcohol for consumption off the premises as allowed by the current licence.

2 For, 0 Against and 1 Absention.

Whereupon it was

Agreed

The Sub-Committee resolved to refuse the application, having considered the written representation from Hertfordshire Constabulary, and verbal submissions from the applicant and the police.

In particular the Sub-Committee noted the absence of other premises licensed for off-sales of alcohol beyond 23:00 hours in the vicinity of the premises, and the police's concerns that to grant the application would result "in an increase of crime and disorder, drunken behaviour and public nuisance" as a result of the increased availability of alcohol to already-intoxicated persons, in light of the close proximity of a public house and late night refreshment outlets, customers from which disperse directly past the premises en route to nearby residential properties.

The Sub-Committee were not satisfied that the operating schedule measures offered by the applicant within the application would prevent these issues from arising.

The Sub-Committee therefore considered it appropriate for the promotion of the crime prevention and public nuisance licensing objectives to refuse this application outright.

The meeting finished at 3.40 pm