

MINUTES

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

16 JULY 2018

Councillors: Conway
P Hearn (Chair)
Taylor

Officers: Nathan March Licensing Team Leader
Sally Mcdonald Lead Licensing Officer
Nargis Sultan Lead Litigation Lawyer

Also Attendance:

Leo Charalambides and Corrigan Lockett – Applicant’s
Representatives
Town Councillor Anthony Armytage – Objector

The meeting began at 10.00 am

1 MINUTES

The minutes of the meeting held on 15th November 2017 were confirmed by the members present and then signed by the Chairman.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interests

4 APPLICATION TO VARY PREMISES LICENCE

The Sub-Committee were required to consider an application to vary a premises licence for the following premises:

Shell	Budgens	Berkhamsted
Cross Oaks Service Station		
345	High	Street
Berkhamsted		

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. The members of the committee confirmed they had.

The Chairman asked S Mcdonald if the legal requirements had been complied with and S Mcdonald confirmed they had.

The Chairman asked S Mcdonald if she had anything to add to the report.

S Mcdonald explained that the sub-committee had before them an application for the variation of a premises licence for Shell Budgens Berkhamsted, Cross Oaks Service Station. The application and accompanying documents were set out on page 6 of the agenda onwards. The options available to the sub-committee were set out at paragraph 4 of the report, and members were reminded that any steps taken should be considered appropriate in order to promote one or more of the licensing objectives. Furthermore, the sub-committee needed to give clear reasons for any decision made.

The Chairman invited the applicant's representatives to address the sub-committee.

Mr Charalambides said this was a straightforward application at an existing site which currently has a licence to sell alcohol between 6am – 11pm, seven days a week. The proposal is to have a 24 hour licence to reflect the opening times. This is due to recent investment in the premise and the convenience element of the store has transferred to Budgens. He said that alcohol sales are limited to a small area of the shop with ambient and chilled shelves and spirits located behind the counter. There are no promotions of alcohol in the service station and the price of the alcohol is slightly higher than the surrounding area due to the convenience. Shell have never had a review or prosecution on their alcohol licences and there are a number of preventative measures in store to prevent the irresponsible selling off alcohol. For example, the store is covered well by CCTV and the store is subject to external test purchasing. This application has not been subject to any objections from responsible authorities or had any additional conditions added. Mr Charalambides said he recognised the concerns raised by objectors but said there was a difference between concerns and fears and he urged the committee to grant the application.

The Chairman invited the objector to make his submission to the sub-committee.

Councillor Armytage said he was representing Berkhamsted Town Council. The planning committee had debated this proposal and had objected on the basis of local and national policy. He said this area already suffers with drink fuelled noise and the extended hours would increase anti-social behaviour. There are a lot of elderly residents in this area and so the application is inappropriate.

The Chairman asked S Mcdonald if the Licensing department had received any complaints.

S Mcdonald confirmed there were no recorded incidents in this area.

The Chairman asked the objector if he could provide any examples of anti-social behaviour experienced in this area.

Councillor Armytage said it was discussed at the committee and one councillor was aware of the noise affecting elderly neighbours. Although unrelated to this premise, there was recently a murder nearby and this has led to anxiety in Berkhamsted over the increasing lawlessness.

There were no further questions.

Resolved

An application had been made for the variation of a premises licence under section 34 of the Licensing Act 2003.

The application was sought to extend licensing hours for sale of alcohol (for consumption off the premises) to 24 hours, seven days a week, and provision of late night refreshment between 23:00 hours to 05:00 hours seven days a week.

In support of this application, the applicant, Shell UK Oil Products Ltd, in their submission, stated the following, namely:

The premises had had no alcohol related problems since the start of trading.

There was a robust training programme in place, where staff were required to attend training (minimum of every 6 months).

Written training records were kept and available for inspection upon request.

There would be no promotion of the sale of alcohol,

The alcohol would be located in a particular area as opposed to it being scattered around the retail unit.

The premises, including the canopy where the alcohol was located was well lit.

CCTV was located around the premises.

Shell UK Oil Products Ltd had been in business for a considerable number of years and were therefore sufficiently experienced to deal with drunken behaviour.

Furthermore, they had had no prosecutions or reviews brought against them.

The Sub-Committee noted that during the consultation period a representation was received from Berkhamsted Town Council. The Town Council, in their submission to the Sub-Committee, stated the following:

The surrounding area already suffered from drink fuelled noise and, the proposed extended licensing hours would only serve to increase anti-social behaviour in the vicinity given that this was a populated area with number of elderly people living in the area.

This matter had been raised at a town council meeting by a Berkhamsted Town Councillor who was also a resident in the said location.

The Sub-Committee also noted there had been no representation from the responsible authorities; Police, Fire service, Public Health, Planning, Trading Standards or Environment and Community Protection Pollution.

Having taken into account the background of this matter from the officer's report, Dacorum Borough Council's licensing policy and statutory guidance, and upon hearing representations made to the Sub-Committee by all parties – the Sub-Committee unanimously resolved that the application for the variation of a premises licence be granted.

In reaching this conclusion, the Sub-Committee had in particular, taken into account the following:

Whilst it was noted that Berkhamsted Town Council were concerned about the particular impact the trading hours would have on the said location, the Sub-Committee had not seen evidence of the anti-social behaviour complained of. Furthermore, it noted that there had been no representations from responsible authorities.

The Sub-Committee had noted that, there was a robust training programme in place, and written training records were being kept and made available upon inspection. The alcohol was located in a particular area as opposed to it being scattered around the retail unit and therefore manageable. The premises, including the canopy where the alcohol was located was well lit. There was also CCTV located around the premises. Shell UK Oil Products Ltd were a well-established business that had been running for many years and had not had any prosecutions or reviews reported against them.

The Sub-Committee therefore resolved to grant the application.

It should be noted that parties to the hearing and persons whom made relevant representation may appeal against the decision made by the Sub-Committee by way of written notice to a Magistrates Court within 21 days of this decision.

N Sultan noted that prior to the start of the meeting, the objector was present in the room but she confirmed that no discussion about the application had taken place.

The Meeting ended at 11.11 am