

Licensing Sub-Committee – 20 September 2016

Minutes of the meeting of the **Licensing Sub-Committee** held on **20 September 2016** when there were present:-

Cllr B T Hazlewood
Cllr R Milne

Cllr Mrs L Shaw

OFFICERS PRESENT

R Hurst	- Solicitor
S Greener	- Licensing Officer
S Worthington	- Committee Administrator

28 APPOINTMENT OF CHAIRMAN

Cllr Mrs L Shaw was appointed Chairman of the Sub-Committee.

29 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

30 LICENSING APPLICATION – LICENSING ACT 2003

Hambro Post Office, 53 Hullbridge Road, Rayleigh, SS6 9NL

The Sub-Committee considered an application for the grant of a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known as Hambro Post Office, 53 Hullbridge Road, Rayleigh. Members had before them the report of the Assistant Director, Legal Services setting out the details of the application and the representations received from various interested parties, including Town Councillor Bruce Smart.

The Town Councillor clarified that he was speaking on behalf of four of the households who had submitted representations to this application, namely Mr and Mrs Dunnill, Ms R Osborne, Ms B Tracey and Mr C Maguire.

He emphasised that some local residents did not want the licence to be granted; there was already a local store that sold alcohol, as well as the Asda store in Rawreth Lane. The post office did not currently sell alcohol.

He stated that the Town Council was concerned about the increased number of shops selling alcohol in the town. Local residents were concerned at the prospect of the post office being able to sell alcohol up to 11.00 pm, given that the other local shop that was licensed closed at 8.00 pm. He also stressed that local residents were mainly elderly residents or young families; if the licence was granted alcohol was likely to be bought by youths from outside the locality, which could lead to increased noise and vandalism. There used to be an off licence in this parade of shops and when it closed there was, he stated, a marked decrease in noise and anti-social behaviour.

The good will of residents could, he claimed, be affected by the post office selling alcohol. He emphasised that the business was likely to only have one member of staff on duty late at night selling alcohol; it could be difficult for them to challenge a group of youths wanting to purchase alcohol. In addition, the Police were unlikely to be able to respond quickly to any incidents at the premises. He expressed concern at the potential for bottles and cans to be left in the streets in the walking area of schools and pre-schools. In conclusion he confirmed that it was difficult to challenge the issue of a premises licence, but considered it would be more appropriate to restrict the hours of sale of alcohol to 8.00 pm, rather than 11.00 pm.

In response to a question from the Sub-Committee relating to existing anti-social behaviour, the Town Councillor advised that residents in this area were mainly elderly, with some young families. It was a peaceful area, but residents were concerned that the grant of a premises licence would detrimentally affect this peace. Some residents already experienced noise at 5.00 am from the premises when newspaper deliveries were made and granting this licence could result in noise being extended for residents until 11.00 pm.

The applicants, in support of their application for a premises licence, provided statistics around the economic and employment benefits of the UK alcohol industry. In addition, they provided crime statistics for the area, demonstrating that there had been no reported instances of anti-social behaviour from May onwards.

The applicants emphasised that, to promote the licensing objectives, the Challenge 25 scheme would be implemented at the premises, with appropriate lighting and litter bins in place, CCTV installed in all internal areas and outside the premises, as well as a security system. An incident log would also be maintained. Relevant security-related policies would be put in place with security reviews held every three months and minuted. All relevant risk assessments would be put in place. Staff would be required to undertake conflict management training. Cooler units would be properly maintained. The applicants would engage with local residents and make every effort to be a good neighbour. Refuse collections and beer deliveries would be done at times that ensured minimum disturbance to residents, staff would conduct perimeter checks for litter of the premises on closing. External lighting would be switched off when the premises were closed. Signs would be displayed at the exits to the premises reminding customers to respect the rights of residents.

The applicants stressed that the main focus of the premises was as a post office. The grant of this premises licence would result in the post office counter services being open longer for residents during extended hours, up to 10.00 pm. The applicants confirmed that they would be willing to reduce the hours of the premises licence to 10.00 pm, rather than 11.00 pm, in response to concerns raised by local residents.

The following responses from the applicants to Member questions were noted:-

- CCTV recordings would be made available to the Police for a minimum of 31 days.
- The premises licence included provision for the sale of alcohol from 7.00 am as it would be difficult for the applicants to close the alcohol part of the premises off if alcohol was not sold at the same time that the post office was open for business.
- The applicant and his wife would work at the premises full-time, and would employ two part-time staff, all of whom would be trained in conflict management. Training would be done in house and externally, as necessary.
- When the premises are shut rolling shutters would be closed.

In conclusion, the Town Councillor emphasised that the low crime statistics for this area could be attributed to the fact that there was no alcohol being sold late at night here. He further stressed that, although residents would welcome extended opening hours of the post office, they were unlikely to use the facility late at night if there were youths hanging around buying alcohol. He stated that the best way to avoid conflict would be not to open late at night for the sale of alcohol. He also stated that the applicants would not be able to control litter in the vicinity of the premises and that the shutters being closed later at night would cause further disturbance to local residents.

The applicants concluded by emphasising that they had taken all possible steps to promote the licensing objectives with their application. The premises was located in close proximity to a busy road junction and traffic late at night in this location was more likely to cause disturbance to local residents for extended periods than the premises shutters being closed. If, however, residents were disturbed in future by noise emanating from the premises this should be reported to the Environmental Protection Unit; if noise was found to be in excess of statutory levels the applicants would take all necessary preventative action. The applicants further emphasised that there was another local business already selling alcohol until 10.00 pm and Asda sold it until 11.00 pm.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

The Sub-Committee had given careful consideration to the officer's report and all written evidence and all representations made at the hearing. It was mindful of the concerns raised by the Town Councillor relating to the potential for anti-social behaviour, noise nuisance and littering in that part of Rayleigh in the context of the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. However, the Sub-

Committee was equally mindful that no representations had been made by the Police or the Environmental Protection Unit. In addition, the applicants had shown themselves willing to engage with the local community over any potential issues arising from grant of the premises licence and had indicated that they would be willing to reduce the hours of sale of alcohol to 10.00 pm.

The Sub-Committee considered it appropriate to grant the application for a premises licence from 0700 – 2200 hours Monday to Sunday, subject to such conditions as are consistent with the operating schedule, modified to such extent as considered necessary for the promotion of the licensing objectives.

While noting the concerns raised at the hearing, the Sub-Committee emphasised that, should there be any problems at the premises in the future, residents or Responsible Authorities would have an opportunity to call for a review of the licence.

Resolved

That the premises licence be granted from 0700 to 2200 hours Monday to Sunday, subject to the required mandatory conditions and the following additional conditions:-

1. Implementation of the Challenge 25 scheme at the premises.
2. An incident log to be kept and produced upon request by the Police or Licensing Authority.
3. The licensee shall fit and maintain an efficient CCTV system in agreement with the Police. Recordings shall be retained for at least 31 days.
4. A trained member of staff should always be on duty that is able to download images off the CCTV when requested by the Police. (ADLS)

The meeting commenced at 10.00 am and closed at 11.15 am.

Chairman

Date

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