

## **Licensing Sub-Committee – 3 February 2011**

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Minutes of the meeting of the **Licensing Sub-Committee** held on **3 February 2011** when there were present:-

Cllr T G Cutmore  
Cllr R A Oatham

Cllr K H Hudson

### **ALSO PRESENT**

Cllr M Maddocks

### **OFFICERS PRESENT**

N Khan	- Principal Solicitor
P Nellies	- Licensing Officer
E Hanlon	- Principal Environmental Health Officer
S Worthington	- Committee Administrator

### **105 APPOINTMENT OF CHAIRMAN**

Cllr T G Cutmore was appointed Chairman of the Sub-Committee.

### **106 PROCEDURE FOR LICENSING HEARING**

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

### **107 LICENSING APPLICATION – LICENSING ACT 2003**

#### **Rayleigh Garden Centre, 401 Eastwood Road, Rayleigh, SS6 7LU**

The Sub-Committee considered an application for the grant of a premises licence made under section 17 of the Licensing Act 2003. The application relates to a premises known as Rayleigh Garden Centre, 401 Eastwood Road, Rayleigh, SS6 7LU. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from various interested parties.

The applicants advised that the application was a modest one to enable the garden centre to complement the range of food goods it currently sold with specialist wines, liqueurs and beers, including, for example, elderberry wine, chocolate liqueur and real ales.

The garden centre wanted to run special promotional events for its gardening club, at which customers would be able to do some late night shopping and sampling of products. Such events would be accompanied by live music, played, for example, on a harp or piano, or by taped, low level background music. The extension in hours included within the application were in order to facilitate these special events.

In response to questions, the following was noted:-

- There was currently no intention to expand upon the activities that were the subject of this application, although no guarantees could be given that this may change in the future.
- Applying for individual temporary event notices for the promotional events would incur more work for the company; it was easier to have a blanket licence. In addition, if business was slack, the licence would allow the company the flexibility to organise ad hoc events in order to encourage more visitors.
- There had been no representation or issues raised by Environmental Health about the music element of the application, other than the agreement contained at the end of appendix A1 to the officer's report.
- There would be no alcohol sampling on the premises, in order to comply with the first Police condition listed in appendix A1 to the officer's report.
- There was currently no recorded music played on site.
- No cheap alcohol, including alco-pops, would be sold; the intention was to sell premium alcohol only.
- An e-learning facility will be accessed by staff, which covers the sale of alcohol. Over £25,000 had been spent on installing CCTV to help manage theft. The garden centre does not have a young customer base; it is unusual for there to be any unaccompanied youngsters on site.
- The company would be prepared to accept a condition limiting the number of promotional events to 12 per annum.
- The company would also be prepared to accept a condition limiting licensable activities on Sundays to the hours of trading, ie, 10.30 am to 4.30 pm.
- Alcohol would be served as part of the garden centre's food range; the same range of alcohol would be sold as at promotional events.
- Music on site would only ever be low-level background music, at an acceptable level for shoppers. It would, however, be difficult to monitor levels.
- There would not be drums, simply instruments such as piano, harp or acoustic guitar.

A local resident, who lived in the vicinity of the garden centre, expressed concern that the application appeared inappropriate for such a quiet,

residential area. He was concerned that the application could lead to noise in the neighbourhood. If the noise was to be contained within the shop there would not be a problem. He was also concerned that people buying alcohol from the garden centre could walk along The Drive and consume it, which could, in turn, lead to rowdy behaviour. Furthermore, The Drive is an unadopted road and, as such, is never cleaned. It is the responsibility of residents living in The Drive to keep it clear of rubbish. The Police also don't go down The Drive. He is concerned about a lack of certainty relating to the potential for noise, rubbish and anti-social behaviour.

In response to questions, the following was noted:-

- The resident's property was approximately 100 metres from the premises.
- The area opposite the resident's property was primarily used for open storage, storage of caravans and was very quiet.

In conclusion, the applicant emphasised that it would not be possible to hear music outside the curtilage of the premises. Music played would be low level soothing music designed to enhance customers' shopping experience.

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

Having given careful consideration to the application and all representations made, the Sub-Committee considered that the licence should be granted. It did, however, recognise the concerns expressed by local residents and the impact the licence might have on them. Particular regard was also given to the fact that these residents live in close proximity to the premises in what is a quiet, residential area.

### **Resolved**

That the application for a premises licence be granted, subject to the following conditions:-

1. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
2. The licensee shall operate a "Challenge 25" scheme on the premises whereby those persons attempting to buy alcohol who appear to be under 25 years of age will be required to prove they are 18 years of age or older. Acceptable proof of age shall consist of passport, photographic driving licence or proof of age cards with the 'PASS' logo.
3. Clear and legible signs shall be displayed advising patrons who appear to be under 25 years of age that they shall be required to prove they are at least 18 years of age.

4. A refusals book shall be kept on the premises and used to record all refusals of sales of alcohol. The refusals book shall be made available to Police or Licensing Authority officers upon request.
5. The Licensee shall ensure that all staff are adequately trained on age identification.
6. Written staff training records for all staff engaged in the sale of alcohol shall be maintained by the licensee and retained on the premises.
7. A written incident record shall be maintained at the premises to record all incidents in respect of crime and disorder. The incident record shall be available to Police upon request.
8. The licensee shall take all reasonable steps to ensure youths do not gather outside the premises.
9. The licensee shall install and maintain an efficient closed circuit television (CCTV) surveillance system to the satisfaction of the Police Licensing Department. The CCTV shall include camera coverage of the alcohol display area, the retail area, as well as the entrances and exits.
10. The CCTV shall be in operation during the hours the premises is open.
11. A member of staff shall always be on duty that is trained to download and transfer images from the CCTV recording when requested to do so by a Police Officer.
12. The licensee shall ensure that images recorded by the CCTV are retained for a minimum of 30 days.
13. A suitably worded sign of sufficient size and clarity shall be displayed at the entrance to the premises, and in the alcohol display area, advising patrons that CCTV is operating within the premises.
14. The licence holder or their representative must ensure that any regulated entertainment carried out at the premises does not give rise to unacceptable levels of noise and disturbance to nearby residents.
15. Live and recorded music shall not take place on more than 12 days per year.
16. When regulated entertainment takes place a manager or other such appropriate person shall carry out regular checks at the boundary of the curtilage of the property to ensure that music is inaudible.
17. On Sundays, the licensable activities shall only take place between the hours of 10.30 am to 4.30 pm. (HES)

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The meeting commenced at 10.00 am and closed at 11.30 am.

Chairman .....

Date .....

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