

LICENSING SUB-COMMITTEE HEARINGS

24 AUGUST 2012

Present :- Councillor Nick Cope (Chairman)
Councillors Mary Blandon and Pauline Hazell

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meetings held on 9 and 27 July 2012 were noted and confirmed as correct records.

4. Application under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• Queen Street Continental and Convenience Store, 38 Queen Street, Colchester

The Sub-Committee considered an application for a premises licence in respect of Queen Street Continental and Convenience Store to permit the supply of alcohol off the premises and the hours the premises were open to the public.

In Attendance

Applicant: Mr S. Alsulayman, Applicant's Representative
Mr A. Karatay, Applicant's Son

Objector: Councillor J. Hayes (Castle Ward Councillor)

Licensing Authority: Mr G. O'Shea, Licensing and Enforcement Manager
Mr C. Samuel, Legal Services

Ms A Tuthill, Committee Services Assistant (Licensing)

Ms Tuthill gave a brief summary of the application and advised that a representation had been received from Councillor Hayes opposing the application on the grounds that if the application were granted it would undermine the licensing objectives of the

prevention of crime and disorder and the prevention of public nuisance.

Mr Alsulayman presented the application on the applicant's behalf and informed the Sub-Committee that the store was due to become part of the Premier franchise. At this point, the applicant's representative sought and obtained permission from the Chairman to circulate advertising material hearing in respect of Premier Stores, in order to show the Sub-Committee that the store would sell a range of goods, not just alcohol, and that the premises would be a store for the entire community.

Mr Alsulayman informed members that the premises would sell wines and spirits but would not sell high ABV beers, and that cans of beer would not be available individually and would only be sold in packs. The applicant's representative advised members that all staff employed at the premises would be trained by Premier, that they were aware of the legal requirement not to serve alcohol to customers who appear drunk and also confirmed that the store would operate the Challenge 25 scheme. Mr Alsulayman added that the applicant, Mr Karatay, had run licensed premises which supplied alcohol, in Colchester for the last 5-6 years and had never had any problems. Mr Alsulayman informed members that he and Mr Karatay would be working at the premises most of the time, and that he (Mr Alsulayman) had managed and headed door staff at licensed premises in Essex and London. In response to Councillor Hayes' objection to the application, Mr Alsulayman commented that he believed that people wanting to get drunk, would be looking to buy single cans of beer of 10% ABV, which this premises would not supply. The issue of what was considered a high ABV was discussed and Mr Alsulayman said that he would be happy with selling beers which had a maximum ABV of 7.5%.

Councillor Hazell left the meeting at this point as she was unwell. The Chairman sought and obtained permission from the applicant's representative and the objector to continue with the Hearing with only two members of the Licensing Sub-Committee.

In response to members' questions, Mr Alsulayman informed the Sub-Committee that there would be two members of staff on the tills and one member of staff on the shop floor.

Councillor Hayes then presented her objection to the application and commented that she felt she needed to object to the application given the existing problems in the nearby St Botolph's Priory area. Councillor Hayes advised the Sub-Committee that she had experienced people drinking around the Priory and that it spoilt the enjoyment of the area for others. Having seen the Premier advertising material circulated by Mr Alsulayman, Councillor Hayes commented that she thought the alcohol was very cheap and that that, along with the hours applied for would make it easier for habitual drinkers to access alcohol. Councillor Hayes made reference to the 'Stress Area' designation however it was noted that this was not relevant to this application as it only related to 'on licensed' premises. Councillor Hayes commented that she believed that off-licences were contributing to problems with people coming into the area 'tanked-up' in the evenings. When asked by the Chairman, Councillor Hayes said that she felt that some of her concerns had been mitigated by the information provided by Mr Alsulayman in his presentation, but that she did not believe that it solved the problem of 'pre-loading', nor did she believe that selling cans of beer in multipacks as opposed to individually would

discourage habitual drinkers.

References were made to an off-licence premises located nearby to this store which had recently opened and Mr Alsulayman commented that it was open for later hours than Mr Karatay was applying for, and that it had not received any objections. Mr O'Shea commented that the other premises was irrelevant to this application and that each application must be determined on its own merit.

The Decision

RESOLVED to permit:-

- The supply of alcohol off the premises for the following hours-

08.00 to 23.00 Mondays to Sundays inclusive.

- Hours the premises are open to the public –

08.00 to 23.00 Mondays to Sundays inclusive.

Condition imposed by the Sub-Committee at the Hearing:

1. Any beers, lagers or ciders with an ABV content higher than 6.5% will not be sold in single cans but only in quantities of 4 cans or more.

Considerations:

The Sub-Committee noted that one relevant representation had been received from Councillor Hayes, Ward Councillor for Castle, concerning the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance, and that Councillor Hayes was in attendance at the hearing and spoke on her own behalf.

The Sub-Committee noted that there were no representations from any of the responsible authorities.

A request was made to the Chairman of the Sub-Committee and permission sought and obtained by the applicant's representative to the circulation of advertising material relating to Premier stores (which the Applicant's representative informed the Sub-Committee the shop was going to become) in order to highlight the other products that the shop would be selling and that the premises would be a superstore for everyone in the community.

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant's representative and the interested party under the Licensing Act 2003.

Reasons for the determination:

The Licensing Sub-Committee carefully considered the application, the evidence presented and the objection received, and noted that there had been no representations from any of the responsible authorities.

The Sub-Committee was mindful that this was an application for a new premises licence and therefore the premises was not responsible existing incidences of public nuisance committed away from the premises and that these were outside the applicant's direct control. There was no evidence to suggest that granting the licence as applied for, with the condition imposed by the Sub-Committee would contribute to public nuisance or crime and disorder in the area.

The Sub-Committee was also reassured by assurances given on behalf of the Applicant that staff will be fully trained so as not to sell alcohol to persons who appear drunk, that Challenge 25 would be adopted and that there will be a refusals book available to be shown to Council Officers and the Police.

The Sub-Committee was satisfied that the concerns raised by Councillor Hayes were adequately addressed by the applicant's operating schedule and the additional condition imposed by the Licensing Sub-Committee. The Committee felt that the case made by Councillor Hayes in respect of the likely public nuisance and crime and disorder as a result of the application was not proved sufficiently to justify the refusal of the application.

The Sub-Committee was mindful that its decision must be an appropriate response aimed at the promotion of the licensing objectives and for the reasons stated above, the Sub-Committee was satisfied that the licence should be granted subject to the operating schedule, the condition imposed by the Licensing Sub-Committee and to the relevant mandatory conditions in the Licensing Act 2003.

5. Close of Meeting

The meeting closed at 11.40.