

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

18 November 2016

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 18 November 2015 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Buston
Councillor Cope
Councillor Harris

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Licensing Application

The Head of Professional Services submitted a report in respect of the new application for a premises licence which had been made by BP Oil UK Limited, in accordance with the provisions of the Licensing Act 2003.

- Eastwood SF Connect, Ipswich Road, Colchester

In Attendance

Mr Botkai, solicitor for the applicant

Mr McCree, BP

Mr Vandepeer, BP

Mr Rodley, Resident

Mr Farr, Resident

Mrs Chidgey, Democratic Services Officer

Mrs Gentry, Democratic Services Officer

Mrs Ozono, Legal Services

Mr Ruder, Licensing Food Safety Manager

Mrs White, Licensing & Committee Co-Ordinator

Mr Ruder outlined the application and explained that in response to objections that had been lodged, the applicant had amended the application so that the hours sought were in line with the planning consent for the site which permitted operating hours of 07.00 to 23.00 Mondays to Sundays. As a result of these changes and a minor change to the condition relating to CCTV, the objections lodged by both Environmental Protection and the Licensing Authority, acting as a Responsible Authority, had been withdrawn. Representations from a number of local residents had also been withdrawn although some had confirmed their wish to maintain their objection and these letters together with the representations of those who had not responded to the amended application were included in the paperwork before the

Sub-Committee. It was noted that Late Night Refreshment had been removed from the application and the only licensable activity now requested was the sale of alcohol.

Mr Botkai, speaking on behalf of the applicant outlined the application and gave a brief history of the site. The site had formerly had a small kiosk type shop attached to the petrol filling station and this had a premises licence permitting the sale of alcohol from 08.00 to 23.00 Mondays to Saturdays and 08.00 to 22.30 on Sundays. Mr Botkai made reference to the Section 182 Guidance which stated that the premises licence of a shop should generally match its trading hours, unless circumstances dictated otherwise, which in this case were defined under planning as 07.00 to 23.00 Mondays to Sundays. There was discussion on the question of the terminal hour of the premises. The original application indicated that the premises would be open 24 hours a day; this had been changed to reflect the planning hours. It was noted that whilst a number of the representations commented on and objected to the opening hours, this was a matter more properly dealt with under planning legislation which had determined the operating hours in this case.

In response to questions from the Sub-Committee Mr Botkai outlined the applicant's policy on litter, engagement with residents and noise control. He confirmed that BP wished to work with residents and to be good neighbours; it would take the appropriate action in the event that there were problems and agreed to an ongoing dialogue with residents so that any problems could be quickly dealt with. Mr Botkai expressed an unwillingness to commit BP to a litter picking agreement at this stage as it was not known if there would be a problem and, in the event there was, what would be required to resolve the issue. However he gave the assurance that BP would be keen to protect its licence and therefore would be prompt to deal with any issues that might occur. However he gave the assurance that BP would be keen to protect its licence and therefore would be prompt to deal with any issues that might occur.

Mr Rodley then addressed the Sub-Committee expanding on the points made in his letter. He mentioned the problems which had occurred under the previous tenants and that the situation had improved since the premises had been shut for refurbishment. It was noted however that rubbish was still being dropped in proximity to Mr Rodley's house, indicating that the problems were not solely attributable to the petrol station shop. Mr Rodley also mentioned the problem of groups of youths congregating and the anti-social behaviour which occurred.

RESOLVED that the application, as amended, be granted to permit the supply of alcohol off the premises Monday to Sundays from 07.00 to 23.00 subject to the following additional condition –

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales, such training to include recognising the signs of intoxications:

- Induction training must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Reasons for the determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and objector under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy.

The Sub-Committee noted the applicants stated willingness and offer to establish and maintain a constructive dialogue with local residents to ensure any matters of concern were addressed and their offer to circulate a telephone number to local residents which could be used to raise matters of concern.

The Sub-Committee acknowledged that conditions could only be imposed that sought to manage the behaviour of customers when they were on the premises and within the control of the licensee or within the immediate vicinity of the premises. It noted the residents' concern that the opening of the premises was likely to result in an increase in the amount of litter in the area. It also noted that litter was still being dropped although the site was currently shut. The Sub-Committee had sympathy for the concerns of the residents in relation to litter and other issues but was mindful of its duties under the Licensing Act. The Act limited Sub-Committee's consideration to the likely effect the granting of the application to permit the selling of alcohol on the premises would have on the four licensing objectives. It could not consider wider matters which came under the remit of planning nor could it add conditions to the premises licence to control general litter that might be dropped by patrons of the premises.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the condition as set out.