



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE Thursday, 1 October 2020

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), and Councillors Mark Clifford and Hasina Khan

OFFICERS: Nathan Howson (Enforcement Team Leader (Licensing)), Carl Gore (Enforcement Officer (Licensing and Empty Properties)), Alex Jackson (Legal Services Team Leader), Ruth Rimmington (Democratic and Member Services Team Leader) and Matthew Pawlyszyn (Democratic and Member Services Officer)

20.104 Declarations of Any Interests

No declarations of any interests were received.

20.105 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

20.106 Determination of Application to Vary a Premises Licence- Weldbank Store and Off Licence

The Licensing Sub-Committee considered the application to vary a premises licence under Section 34 of the Licensing Act 2003, to which relevant representations had been received.

The Applicant was in attendance along with her representative, and Other Persons: two local residents were in attendance to make representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that the most recent premises licence was granted on 1 May 2019. The licence was transferred into the name of the current premises licence holder on 17 December 2019.

On 18 August 2020, an application to vary the premises licence was received, seeking to extend the permitted hours for the sale of alcohol from Monday to Sunday 08:00-22:00 with hours the premises are open to the public from 07:00hrs each day.

The applicant is not seeking to remove any conditions currently imposed on the licence and offers a number of steps intended to promote the objectives within Section 16 of the application.

Ten representations from Other Persons were received and relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance objectives. A number of complaints have been made regarding the alleged sale of alcohol at the premises outside of permitted hours. On every occasion these complaints have been made, an investigation has been conducted, to include review of the premises' CCTV systems, and has been unable to gather any evidence which corroborates the complaints made.

Members noted that no other relevant representations were received.

In response to Members' questions, it was noted that the applicant had some CCTV they may wish the Sub-Committee to view regarding the complaints made regarding the use of the premises outside of permitted hours.

The Applicant's representative explained that no complaints had been upheld since the Applicant took over the licence. A complaint had been made regarding the sale of alcohol at 21:05, but CCTV evidence shows that the Applicant's husband was closing down the shop at the time of the sale. Members were assured that this was an isolated incident. Members viewed the CCTV footage.

With regards to complaints from Other Persons the Applicant advised that new shutters have been ordered to address issues of noise raised. The Applicant commented that the existing shutters were very old. Deliveries are made to the front of the shop as there are no lights to the rear of the shop.

In response to questions from Members, the Applicant advised that there are three shutters in total. The window shutters are closed by 21:00. Members noted an issue in relation to the time stamp on the contactless card machines.

Members heard representations from the first local resident who advised that she represented a number of residents on Weldbank Lane. She related issues including noise from the shutters, parking issues, noise from car doors and anti-social behaviour outside the shop, including drug dealing. Members heard that customers sat on residents' walls drinking.

A second local resident reported that there are no serious issues currently with anti-social behaviour, but expressed concerns that the extension in opening hours would result in an increase. It was noted that what customers do once they leave the shop is not the responsibility of the shop owner. There are some council litter bins outside the shop along the highway for customers to use to reduce littering but in response to questions from Chair it emerged that the number had been reduced.

In summary, the first local resident reiterated concerns regarding noise, an increase in traffic and nuisance behaviour. In addition, noise from an air conditioning unit was raised.

The second local resident advised of anti-social behaviour experienced previously when a former applicant had opened until 22:00 and reiterated concerns regarding additional customers travelling to the shop in his words "from far and wide" if the opening hours are extended. Other premises do have extended opening hours in the vicinity.

The Applicant's representative summarised by highlighting that there have been no reports of crime since the current Applicant has had the licence. The shop serves the

community and this has taken on a new significance with the current Covid-19 pandemic. The shop does not only sell alcohol.

The Licensing Sub-Committee carefully considered the applicant's written and verbal representations for the application to vary a premises licence, and have also taken into account all the representations both written and verbal that had been made by Other Persons who objected to the proposal as well as viewing the CCTV footage.

Members noted that no responsible authorities had made representations about the application and that the applicant offers a number of steps intended to promote the objectives within Section 16 of the application.

Whilst Members heard the issues raised by the Other Persons, there was no evidence to substantiate the complaints which have been made regarding the alleged sale of alcohol at the premises outside of permitted hours.

Members noted that the Applicant is keen to ensure that their business was successful. This can be seen in particular by the actions of the Applicant in ordering new shutters to address the complaints made by neighbours.

The Sub-Committee have considered the amended guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, and relevant representations.

Having held a hearing to consider the relevant representations, the Licensing Act 2003 Sub-Committee **DETERMINED to grant the application.**
to extend the permitted hours for the sale of alcohol as follows:

Day	Authorised Hours
Monday- Sunday	08:00-22:00

with hours the premises are open to the public from 07:00hrs each day.

subject to a condition requiring the premises to install appropriate signage clearly visible to customers that they should respect local residents when leaving and not trespass on their property, for the following reasons:

- 1. No investigations by the Council had corroborated the allegation of sales of alcohol beyond the hours permitted on the premises licence.**
- 2. There were no representations from any responsible authorities.**
- 3. The applicant admitted that there may have been one sale which was strictly speaking after the terminal hour on the premises licence but possibly after the customer had entered the shop before 09:00 pm. There was no evidence of a pattern of unlawful sales outside of the licensed hours.**
- 4. The first local resident could not say that customers leaving the shop after 9:00 pm carrying up to three bags of shopping had purchased alcohol.**
- 5. The second local resident said that at present that there was not a lot of anti-social behaviour. His objection appeared to be based on speculation that the variation would make matters worse when there was not on his evidence a serious problem at present.**
- 6. The second local resident's point that that there was adequate retail of alcohol in the area from existing premises was not relevant as the application must be decided on the merits of the application in relation to this premises.**

7. The first local resident did not object to the variation at the start of the day to 8:00 am

8. The issues around parking were not relevant to the licensing objectives. Members suggested to local residents that they may contact the Highways Authority Lancashire County Council and make the case for parking restrictions.

9. Members did not consider that the shutters if closed one hour later would be such a sustained problem to constitute a public nuisance. The second local resident had welcomed the promise from the applicant to replace the shutters.

10. The alleged drug dealing on Weldbank Lane was not related to the premises.

11. Members noted that on a personal level the relationship between the premises and the first local resident had broken down. However, any decision must be taken in relation to the licensable activities and not in connection with any tension between individuals.

12. Members did not take into account the discussion as to whether the first local resident had stirred up complaints. It was the substance of the representation which matters.

Members requested that the Licensing Unit ask the Council's Streetscene team to look into installing additional bins near the premises and seek assurances that the bins are being emptied with sufficient frequency.

Members suggested that the premises resolve the discrepancies in dates shown on the two credit card readers. If the same discrepancies recurred when there were further complaints examined by the Council that this might detract from the strength of the evidence.

Members recognised the value of the shop to the local community and urged all concerned to maintain good relationships.

Those persons who made relevant representations within the statutory period have the right to appeal to the local magistrates' court within 21 days of receiving notice of this decision.

The applicant has the right of appeal to the local magistrates' court against the imposition of conditions on the licence within the same period.

Chair

Date