

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in the Trent Meeting Room, at The Guildhall, Gainsborough on Monday 5 June 2017 at 10.00am

Present: Councillor Owen Bierley
Councillor Paul Howitt-Cowan
Councillor Jessie Milne (in the Chair)

In Attendance:
Phil Hinch Licensing Team Manager
Martha Rees Lincs Legal Services
Tracey Gavins Licensing Enforcement Officer
Jana Randle Governance and Civic Officer

Also Present:
Vipin K. Venugopal Applicant for 324 Ropery Road, Gainsborough
Heather Qualter Mr Venugopal's Landlady/in support of Applicant
Nigel Qualter Mr Venugopal's Landlord/in support of Applicant
Don Middleton Member of the public/Objector
Carol Booth Member of the public/Objector
Evelyn Garner Member of the public/Objector

1 ELECTION OF CHAIRMAN

RESOLVED that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS' DECLARATIONS OF INTEREST

None declared.

3 LICENCE HEARING RE:

Licence Number: N/A (New Licence)

Hearing Type: Grant of a New Premises Licence

Applicant: Mr Vipin Kumar Venugopal

Premises: AVK Store, 324 Ropery Road, Gainsborough, DN21 2PD

The Chairman, through the Licensing Team Manager, confirmed that all parties had been given notice to attend the Hearing, and advised that the Hearing would proceed in their absence.

The Council's Legal representative set out the procedure that would be followed, as detailed in Appendix A to the Agenda.

The Licensing Team Manager presented the report. It was noted that this was a request for an authorisation for the retail sale of alcohol (for consumption off the premises only) as detailed in Appendix 1.

There were no representations received from Responsible Authorities.

Seven representations had been received from Other Persons (formerly known as Interested Parties). There was a total of seven public objections received as listed in Appendix 2a, 2b, 2c, 2d, 2e, 2f and 2g as well as a two-page paper from the community with 86 signatures on.

All relevant Considerations, Policy Considerations, Statutory Guidance and Options were read out and a List of Appendices and Background Papers were mentioned.

The Chairman then invited the Applicant to present his case.

The Applicant described steps already taken and those intended to be taken to satisfy the four licensing objectives, which are:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

The Applicant advised that the licence request was for a small off licence convenience shop and that he intended to uphold all the factors mentioned in the licensing objectives without any compromise.

The Applicant advised that he had a 24 hour 7 day per week CCTV monitoring in place at the premises. The Applicant advised that there were three modern, high-resolution cameras installed which covered both the front (Ropery Road) and the back of the premises, which would hopefully act as a precaution/deterrent to any potential burglaries.

The Applicant also advised that the alarm system at the premises was linked to his mobile phone which would alert him immediately when an issue arose.

The Applicant further advised that he planned to have an incident log book which, together with any relevant CCTV evidence, would be available for inspection by the police, if needed, to investigate an incident.

The Applicant would be the DPS and any staff employed by the Applicant would be trained in their responsibilities with regard to the sale of alcohol and the requirements of the

premises licence at the Applicant's cost. The Applicant further indicated that he would initially supervise any new staff to ensure full compliance with the Licence.

The Applicant also mentioned installing fire alarms and Health and Safety and Fire safety training for staff.

In relation to possible noise issues, the Applicant advised that there would be no high decibel music at the premises which would be audible outside.

The Applicant advised that any alcohol on sale was only intended to be consumed off the premises and that he would have signage stating age restrictions in several places around the shop. The Applicant stated that he would request photo ID for restricted items and would not sell items without a satisfactory ID being produced. The Applicant also stated that he intended to have a "no unaccompanied children" policy in his store and would only safeguard unaccompanied children but not sell items to them.

The Applicant's landlords were also present at the hearing and fully supported the Applicant's licence request describing the Applicant as a family man who was highly thought of by local residents and who intended to run the shop to the highest possible standards in relation to training, compliance and safety – including use of fire retardant materials being used in the store.

The Objectors present at the meeting questioned the Applicant in relation to who would be present at the premises and have an overall responsibility for the store. In response, the Applicant advised that he intended to work alone initially but later intended to hire staff. The legal adviser clarified that the Applicant, who would be the DPS, could delegate someone else but would remain legally responsible for the shop.

The Objectors also asked about the Applicant's previous experience in running a shop. In responding, the Applicant advised that he had not had a shop before but had sought advice from a number of his friends who had their own businesses and also stated that he had worked as an assistant manager at a food factory before, so had some relevant knowledge and training.

The Sub-Committee members enquired about the intended level of training for any staff. The Applicant stated that he intended to work alone for the first two months with no additional staff. If new staff were then hired, he would ensure that all relevant training was given to them prior to them being allowed to work in the shop unsupervised. Staff would also be advised on the licence requirements and compliance. Any new staff standing in for the Applicant would also be trained to acquire his/her own DPS licence if working full time. If help was needed with training, the Applicant stated that he had friends who could assist with training.

The Applicant also advised that he intended to keep a training record which would document all training provided to staff and which would be signed off by the relevant staff.

The need for a good induction training and the need for CCTV operation training was stressed by the Sub-Committee. This was acknowledged and agreed by the Applicant, who re-affirmed that all staff would be taught how to operate all required aspects of the CCTV.

It was confirmed, during the hearing, that the premises had previously been operated as a hairdressers and before that, a butchers.

There was car parking available for three vehicles in the front of the shop.

In responding to questions, the Applicant stated that he would request ID from anyone who looked younger than 25 years of age to avoid any issues of selling to an underage person, and would seek an acceptable form of ID, such as a passport, a driving licence or a student card. In the event that the applicant was not satisfied with the ID, or if no ID was available or if the ID was suspected to be fraudulent, the applicant indicated that he would not sell any restricted items.

In response to the Sub Committee's queries regarding deliveries to the premise, the Applicant advised that there was adequate space at the front of the property for a delivery vehicle. The Applicant further stated that he expected most of his customers would be walking trade rather than passing trade so he did not believe that parking would be a major issue.

The Legal Adviser clarified the differences between the DPS training and Personal licence training, stating that the full DPS training would not be necessary for staff.

A suggestion was made by the Sub-Committee that a sign relating to the previously mention "unaccompanied children" Policy may be useful on the front of the premises, to which the Applicant indicated his agreement.

The security of the premises was further mentioned by the Sub Committee. The Applicant explained that for security and crime prevention purposes, he had installed two focusable cameras outside the front, one at the back and six cameras were also in use inside the store. These were day and night cameras, recorded colour images and there was also a large monitor in the store showing the camera positions.

Issues of privacy were then discussed and in responding the Applicant advised that the cameras were angled down the street and thus did not affect the privacy of the nearby houses. The Applicant also stated that he had sought advice from the police about correct positioning of the cameras to ensure that private buildings were not covered.

The Sub Committee members posed a possible scenario to the Applicant. In responding the Applicant was clear that he would not sell any alcohol if he had a reason to believe that it was intended for consumption by a minor. Furthermore, if it later transpired he had inadvertently sold to underage person or been duped to do so the Applicant advised that he would be happy to co-operate with any investigation and provide CCTV evidence to the police if relevant.

An opportunity was given to the Applicant to ask any questions. There were no questions raised by the Applicant.

The Objectors stated that they were on the whole happy with the Applicant's responses to their objections.

Two main remaining concerns were highlighted at the hearing which were:

1. Access, and
2. Opening hours.

In relation to access, concerns were raised that the shop was on a busy road with double yellow lines along the road, the available parking meant crossing a pavement and there was a bus stop nearby, which was a pick-up point for school children, which was seen as a safety concern.

The opening hours were then brought up with all three Objectors present stating that they were not happy with the proposed extended hours meaning that the shop could be open till midnight on a number of 'special days'. The 5:30am start was also a concern but seen as less of an issue. The Objectors stated that the shop was in a nice residential area with no trouble and they wished to keep it that way.

The rest of the previous objections had been addressed by the Applicant throughout the Hearing, and the Objectors indicated they were happy overall with the answers given.

In response to the above objections, the Applicant stated that there were a number of shops with similar opening hours which have been approved and the owners managed to comply with their licences and he believed that this should not cause any major issues for him either.

In relation to parking, the Applicant again advised that the same restrictions applied to all the shops on the Ropery Road and that he would restrict delivery hours to quieter hours of the day (mornings) to avoid issues. The Applicant also advised that he had removable bollards which he could use to preserve parking for the delivery vehicle at the relevant times.

There were no further questions from the Objectors.

The Chairman then asked if the Applicant wished to amend the Application in any way, in light of the objections which had been raised.

In response, the Applicant indicated he would be willing to amend the application, revising the opening hours to 5:30am till 10pm every day of the year and remove the request for the extended hours on 'special days' as requested previously.

Each of the parties present were given the opportunity to sum up their case. The Applicant reconfirmed that he intended to promote the licensing objectives, was happy to amend the application as detailed above and in response to the objections raised above.

The Sub Committee adjourned at 11.10am to deliberate on their decision.

The meeting reconvened at 11:51, following which the decision was read out.

Decision:

Application for the Grant of Premises Licence

AVK Stores, 324 Ropery Road, Gainsborough, Lincs, DN21 2PD

Applicant – Mr Vipin Kumar Venugopal

The Licensing Sub-Committee have carefully considered the evidence presented to them; namely the evidence presented by Mr Venugopal and his supporters, and the representations from Mr Middleton, Ms Booth and Ms Garner, along with the papers and appendix provided.

During the licensing hearing, the applicant agreed to amend his application at sections J and L on the application form and so the Licensing Sub-Committee have only considered an application for a premises licence application for opening 7 days a week from 05:30am until 22:00 and supply of alcohol (off sales only) 7 days a week from 05:30am until 22:00.

The Licensing Sub-Committee having considered all of the evidence are satisfied that the applicant has demonstrated that the Licensing Objectives will be satisfactorily safeguarded through evidence provided by the applicant on staff training, CCTV, co-operation with the police and dialogue with the objectors present at the hearing, and the Licensing Sub-Committee have decided to grant the amended application as detailed above subject to the proposed conditions which accompanied the original application and the conditions which must be present on a premises licence under s. 19, 20 or 21 of the Licensing Act 2003.

All parties have a right of appeal of this decision to the Magistrates' Court within 21 days of receiving such notice.

RESOLVED that the licence as amended be granted.

The meeting closed at 11:55am.