

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 10.00am on Monday 23 March 2015

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mr S J Good and Mr E H James

I. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – 135
BURWELL DRIVE, WITNEY

The Chairman of the Panel welcomed those present to the meeting. Mr MacRae then set out the procedure by which the hearing would operate.

In response to a question from the Chairman the applicant Ms Leah Horwood, confirmed that the application had been properly advertised and registered her intention to address the Panel.

Mr Paresh Patel then registered an intention to address the Panel in objection to the application.

The Chairman explained the order of business for the meeting. He advised that the Panel Members were familiar with the written representations submitted and requested those addressing the Panel to highlight any specific points they wished to raise, which should relate to the Licensing Objectives.

Mr MacRae also explained that new evidence could only be considered with the consent of all parties present and asked if any such evidence was to be introduced. There was no new evidence presented and no questions raised regarding the procedures under which the meeting would operate.

The Council's Licensing Officer presented her report outlining the application and advised that two letters of objection had been received together with a petition. It was advised that Thames Valley Police had requested a number of conditions and the applicant had agreed to these.

The Council's Legal Adviser then reminded all present of the Licensing Objectives and the need to assess applications on a case by case basis. It was clarified that competition with existing businesses was not a relevant consideration.

Ms Horwood addressed the Panel in support of the application. Ms Horwood responded to the objections detailed in the hearing papers and highlighted that concerns had been raised about disorder and public nuisance but highlighted that Thames Valley Police (TVP) had not raised an objection. Ms Horwood clarified that she accepted the conditions requested by TVP.

Ms Horwood suggested that the new licence would not cause public nuisance or generate any safety concerns. It was acknowledged that there was a school nearby but the current licenced premises was in closer proximity.

Ms Horwood concluded by indicating she was fully aware of her responsibilities and would do everything required to ensure that any licensing conditions were met. It was reiterated that the application would not lead to further nuisance in the area.

Mr MacRae referred to the proposed condition regarding restrictions on the sale of high strength lager, cider and fortified wines and Ms Horwood confirmed that whilst her

preference would be to be able to sell such goods, she would accept the condition. The Council's Licensing Officer clarified that this restriction did not apply to spirits.

Mr Patel then addressed the Panel in objection to the application. Mr Patel highlighted that there had been an application for a licence at the premises in 2001. It was suggested that the concerns raised then, and reiterated in the petition against this application, were relevant and needed to be considered fully.

Mr MacRae clarified that the previous application would have been considered under previous legislation and determined by the Magistrates Court.

Mr Good sought confirmation that the shop would trade from 6am but alcohol would not be sold before 8am. Mr Good noted that the applicant had experience of running another premises in Witney and the assurance that all employees were aware of their responsibilities with regard to the licensing laws. Ms Horwood confirmed that sales before 8am would be refused and whilst there were no shutters in place staff would be aware of the restriction.

The Council's Legal Adviser reminded those present that any objections relating to public nuisance needed to have evidence and decisions could not be made based on fear and speculation.

In summing up Ms Horwood reiterated that she and her staff were fully aware of any conditions and the responsibilities associated with them.

The Panel then retired to consider the application and submissions made at the hearing.

Having considered the report and the submissions made at the meeting in relation to the licensing objectives and the Council's Statement of Licensing Policy and Guidance, and being of the view that the sale of alcohol was appropriate in this location, the Panel:

RESOLVED: That the application for a Premises Licence under the Licensing Act 2003 in respect of 135 Burwell Drive, Witney be approved, as submitted, subject to the following conditions:

- 1) All staff employed at the premises whose duties include the sale or supply of alcohol will undertake and complete a programme of training in relevant aspects of the Licensing Act 2003, including the details of the premises, prior to being authorised to sell alcohol/ The content of the training programme will be agreed with Thames Valley Police and the Licensing Authority prior to implementation. Records of this training will be kept and made available to Responsible Authorities on request.
- 2) The premises will have written policies and procedures statements and/or management action plan. The documents shall include, but not be limited to, policies and procedures in relation to:
 - under-age sales/proxy sales
 - sales to drunks
 - dealing with/responding to incidents that impact upon the licensing objectives (various levels/types of crime and disorder, public safety etc.).
- 3) The policies referred to in condition 2 above will be reviewed and amended at any time that the premises licence holder deems appropriate, but shall in any case be reviewed following any concerns being raised by any of the Responsible Authorities.
- 4) All staff at the premises shall be trained in the written policies and procedures and shall actively implement them. Any necessary and justifiable ad-hoc deviation from any policy shall be fully documented in the premises register.

- 5) A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a rolling minimum period of 12 months. This register should record:
- The name of the person responsible for the premise on each given day.
 - The name of the person authorising the sale of alcohol each day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.
 - Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
 - Any calls to or visits by Thames valley police in relation to any crime and disorder or like related matter.

The DPS shall check the book once a week ensuring it is completed and up-to-date. The DPS will sign the book each time it is checked

The Premises Daily Register will be readily available for inspection by any responsible authority throughout the trading hours of the premise.

- 6) A CCTV system will be installed or the existing system maintained. This system shall be 'fit for purpose'. It shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004).

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum rolling period of 30 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed.

- 7) Amongst other pertinent areas of the premises the CCTV system will incorporate a camera(s) covering:
1. Any entrance/exit doors (entrance to be capable of providing a full facial shot)
 2. The point of sale
 3. The areas where alcohol is merchandised
 4. External areas of the premises and be capable of providing an image which is regarded as 'identification standard.
- 8) The CCTV system will be switched on, maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- 9) A member of staff shall be present at the premises during the operation of the premises licence that is fully trained on the operation of the system and be able to provide copies of any footage requested by a relevant authority upon request.
- 10) All spirits are to be displayed behind the counter.

In advising of the decision the Chairman advised that the requested condition regarding sales of high strength lager, cider and fortified wines had been omitted as the Panel were not aware of similar restrictions on other licenced premises and did not consider it to be appropriate in this case.

The hearing closed at 10.25am