

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Licensing Panel
Held in the at 11.00 am on **Thursday, 11 August 2022**

PRESENT

Councillors: Michael Brooker, Mike Cahill and Norman MacRae MBE

Officers: Andrea Thomas (Licensing Officer), Alexander Kirk (Legal Officer), Michelle Ouzman (Democratic Service Officer), and Anne Learmonth (Democratic Services Officer).

Bill Oddy (Group Manager – Commercial Development) was in attendance.

1 Election of a Chair for this meeting only

Councillor MacRae proposed Councillor Brooker be Chair for the Panel, this was seconded by Councillor Cahill, therefore.

Resolved that Councillor Brooker was elected as Chair for the panel held 11 August 2022.

2 Minutes of Previous Meeting

The minutes of the meeting held on 10 December 2021 were approved and signed by the Chair as a correct record.

3 Declarations of Interest

There were no declarations of interest received.

4 Exclusion of the Public and Press

The Panel concluded there was no requirement to exclude the Public or Press.

5 Determine a new premises licence

The Chair, Councillor Brooker, welcomed everyone to the licensing hearing and introduced the Panel, and the Council's officers, in attendance.

The Chair announced that the hearing was to consider an application for a new premises licence for North Leigh Post Office.

The Panel was asked to consider the application and determine whether to:

- grant the application as requested;
- grant the application subject to such conditions that are necessary to promote the licensing objectives;

refuse the application in whole or in part where if it was necessary in order to promote the licensing objectives.

The Applicant in the case was Mr Shanmugarajah who was not in attendance, but was represented by Mr Kanapathi from Arka Licensing. There were no Interested Parties present.

The Chair outlined the process the hearing would follow and explained that the Panel would be advised by the Council's legal adviser, and committee clerk.

The Licensing Officer, Andrea Thomas, outlined the application. She highlighted the local parish council's request to amend the times for selling alcohol to 8pm. She highlighted this was agreed by the Applicant. She also explained there was an objection to the Application and highlighted his concerns in the report. She also highlighted the Applicant had agreed to various conditions, namely:

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1. CCTV shall be installed to cover all areas where dancing will take place in addition to the front entrance. All cameras shall be continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with the date and time stamping. Tape recordings shall be made available to an Authorised Officer of the Licensing Authority or a police officer together with facilities for viewing. The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available on 24 hours' notice;
2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is underage or appears to be underage;
3. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be under constant review;
4. The premises shall adopt a policy of requiring the production of "proof of age" before sales of alcohol are made. All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants;
5. A Daily Premises Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premise Daily Register shall record 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 relating to the call and any actions taken to deal with the call. The Daily Premises Register will be readily available for inspection by either the police or authorised officer throughout the trading hours of the premises.

The Applicant's representative Mr Kanapathi addressed the Panel highlighting the following:

- It was a family business as well as a Post Office;
- Concerns from the Parish Council were addressed by amended hours to close at 8pm;
- Post Offices have been transformed over the years and now they sell other products;
- Community shop where shoppers are now able to buy a bottle of wine;
- Challenge 25 policy would be in place at the premises;
- There would be trained staff in safety of selling alcohol responsibly
- CCTV would be installed outside the entrance and inside of the shop, available to the Police as evidence if required.

The Licensing Officer explained an Interested Party, Mr Clark, sent his apologies but was unable to attend the Panel due to other commitments, however he had sent in an additional email in response to the hours of the shop being changed to 8pm and the agreed conditions. The email was read out in its entirety.

In summary, Mr Clark considered that the conditions which the Applicant had agreed to voluntarily did not address his concerns fully and therefore his objection to the application remained.

He highlighted the use of CCTV raised a further additional concern regarding children using the hall facilities and he wanted clarification as to where it is intended to install the cameras. If cameras are to be installed in the entrance hall and corridor leading up to the hall this would appear to be in order, but cameras located elsewhere in the building would appear to raise a child safety concerns.

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He stated the offer of additional conditions on the licence did not address the fundamental concerns he had, as set out in his previous email of potentially anti-social behaviour in a residential area and child safety issues. He made clear that his objections remained.

The Chair invited Mr Kanapathi if he wished to respond to the objector's additional correspondence.

Mr Kanapathi thought that the Applicant had addressed all the objector's concerns, and added that the premises was in a public place and the Applicant could not control people's behaviour off the premises, however there were contactable bodies available to people to raise concerns to if they wished, being the local authority or Police for serious issues. He highlighted the Police would have access to the CCTV recordings.

The Chair enquired where the CCTV would be located.

Mr Kanapathi confirmed the CCTV would be located at the entrance of the shop and inside the shop.

The Chair asked the Panel if there were any questions of clarification, but there were none.

The Panel retired to determine the application.

The Panel returned and advised that they had considered all of the case papers relating to the application and taken into account what had been said during the hearing. The Panel stated they had also considered the Licensing Objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

Based on the information provided and taking into account the representations made by the responsible authorities and application representatives, the Panel

Resolved that the application for premise licence be granted subject to the amended hours for the supply by retail of alcohol on the premises, namely 06:00 – 20:00 and the agreed conditions that the Panel considered were necessary to promote the licensing objectives. The Chair added that the Panel felt the agreed conditions addressed the relevant concerns raised by the objector.

The Meeting closed at 11.33 am

CHAIR