

# Licensing Sub Committee

Tuesday 3 October 2023

## PRESENT:

Councillor Rennie , in the Chair.  
Councillor Patel, Vice Chair.  
Councillor Moore.

Apologies for absence: Councillor Allen.

Also in attendance: Jonathan Ball (Enforcement Officer), Cathy Morley (Lawyer, observing), Hannah Whiting (Democratic Advisor) and Ian Wills (Senior Lawyer).

The meeting started at 10.00 am and finished at 11.21 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 33. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Patel as Vice Chair for this meeting.

### 34. **Declarations of Interest**

No declarations of interest were made.

### 35. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 36. **Grant of Premises License - Frontfield Stores**

Mr Balayogan and Miss Hobbs agreed that they were happy to proceed without legal representation.

The Committee:

- a) Read the Premise License Grant Report prepared by Jonathan Ball;
- b) Read the summary of representations;
- c) Read the additional objections in the supplementary document;
- d) Heard from the applicant as follows:
  - i. He was experienced in the licensing trade from owning/managing a convenience store selling alcohol in Ilfracombe for 3 years and there had been no police/licensing issues;
  - ii. He had worked selling convenience food and alcohol in a petrol station local to the Frontfield Stores;

- iii. He had completed the compulsory training courses as outlined by the licensing department and police and he was a designated premise supervisor;
- iv. The convenience store was going to be operated as a franchise of the Premier Stores and Mr Balayogan would be the manager;
- v. Mr Balayogan confirmed that he applied for the shop to be open between 7am and 11.00pm (initially later to provide deliveries until 2.00am but he had accepted the police objections);
- vi. The police had no objections to the application as amended;
- vii. Mr Boloyogan was aware of the four licensing objectives and to make sure they were not compromised;
- viii. He would ensure all staff were trained not to sell alcohol to persons underage and would follow Challenge 25 and not serve to proxy purchasers for children and not serve to persons under the influence of alcohol;
- ix. He would limit admission to the shop to one teenager at a time;
- x. If customers were disruptive, he would “ban” them from his shop;
- xi. He would prohibit street drinkers from buying alcohol from his shop;
- xii. He would install a high spec CCTV system, a total of 16 cameras – three outside the entrance of the shop and the recording would be stored for 34 days (longer than the police requirement) and it would have face recognition;
- xiii. There would be always two members of staff on duty;
- xiv. The alcohol would be either displayed behind the till or in fridges with doors which were lockable from a central point;
- xv. He would operate a delivery service to customers in relation to alcohol and/or non alcohol products – to be operated by UberEats – his intention was for the last delivery to be called through by 10.45pm;
- xvi. Mr Balayogan would ensure that deliveries were not made to under 18 year olds;
- xvii. Regarding the delivery of goods/alcohol, this would come from the wholesaler and would be between 7.30am and 12 noon;
- xviii. Mr Balayogan explained in the local area there were convenience shops open until 10.00pm at night but he sought 11.00pm because, from his experience working in the petrol station, the period after 9.00pm was busy;
- xix. Regarding the potential noise, he would try and limit this by restricting numbers in the shop, CCTV would identify persons creating issues and he would be a point of contact for neighbours who had concerns.

e) The sub-committee considered the written representations as follows:

#### Prevention of Crime and Disorder Licensing Objective

The representations makers outlined they were “worried” about anti-social behaviour from children drinking, public intoxication, people using the space outside the store to play football and ride their bicycles and causing damage to cars.

Members considered these representations relevant under this licensing objective.

Members did not consider that the premises would contravene this licensing objective because:

- The was no evidence outlined to the sub-committee that the granting of the license would result in an increase in criminal incidents – the persons making the representations state they were “worried” about an increase in crime;
- The store would have comprehensive CCTV which would be a deterrent, and if criminal activity was to occur it would be available to the police;
- Mr Balayogan had a policy in place to limit admission to teenagers/would follow Challenge 25/not serve people alcohol who were intoxicated and would keep a record of incidents;
- There had not been any representations from Responsible Authorities – specifically the police.

### Public Nuisance

The concern from the objectors was noise from the shop would affect the neighbourhood late into the evening – from deliveries of stock, to restocking activities and groups outside the shop late at night. It was outlined the area is a residential area with a number of elderly people living close by.

The members did not consider that the premises would contravene this licensing objective because:

- Mr Balayogan was taking all reasonable precautions to minimise the level of noise – limited entry to the shop and staff training not to sell alcohol to the underage or persons who were intoxicated.
- If there were issues of noise Mr Balayogan would be a point of contact to address those issues – he wanted to work with the community;
- There were shops open late in the area - two until 10.00pm and the petrol station open 24 hours a day – there were no grounds to reduce this premise’s hours;
- There had not been any representations from Responsible Authorities – specifically the police or environmental protection.

However, the committee was concerned that deliveries of alcohol by lorries or vans early in the morning or late at night would have a negative effect on the community so imposed a condition that delivery of alcohol would be between the hours of 8.00am and 6.00pm.

### Protection of Children

The sub-committee heard that Mr Balayogan intended to receive orders for alcohol and non-alcoholic goods via UberEats. This was not mentioned in the report, but in the representations from Mr Balayogan. The sub- committee was concerned that this could be used by children to order alcohol. The Committee

determined it was appropriate to impose the following conditions to minimise undermining this licensing objective:

All on-line/telephone delivered and collected sales to follow a set procedure to ensure that any order placed is made and received by customers aged over 18 and only delivered to proper addresses (residential or commercial) or orders and or deliveries to be refused.

The Committee discussed the case and reached a decision on the matter.

The Committee agreed that after considering the representations, and all that was said by the applicant, it was appropriate to grant the license as they would satisfied that to do so would not undermine the licensing objectives. The license was granted subject to the following:

1. The mandatory conditions set out in the Licensing Act;
2. The conditions consistent with the applicant's Operating Schedule in appendix A of the report;
3. The following conditions directed by the committee:
  - a. No delivery of alcohol except between the hours of 8.00am and 6.00pm daily;
  - b. All online /telephone delivered and collected sales to follow a set procedure to ensure that any order placed is made and received by customers aged over 18 and only delivered to proper addresses (residential or commercial) or orders and or deliveries to be refused.

37. **Grant of Premises license - Spar, 41 North Hill**

This item was removed from the agenda as the matter had resolved before the meeting.