

Licensing Sub Committee

Tuesday 3 January 2023

PRESENT:

Councillor Partridge, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Tippetts & Stoneman (Fourth Member)

Apologies for absence: Councillor Pengelly.

Also in attendance: Sharon Day (Lawyer), and Elliot Wearne-Gould (Democratic Advisor).

The meeting started at 2.00 pm and finished at 4.30 pm.

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.

17. **Appointment of Chair and Vice-Chair**

The Sub-Committee agreed to appoint Councillor Partridge as Chair, and Councillor Rennie as Vice-Chair for this particular meeting.

18. **Declarations of Interest**

There were no Declarations of Interest in relation to items on this agenda.

19. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

20. **Grant of Premises Licence - One Stop Stores Limited, One Stop, Cargo 2, 41 Milbay Road, Plymouth, PL1 3NG**

The Committee having-

- (1) Considered the report from the Director of Public Health;
- (2) Heard from the applicant and taken into account the following, including the witness statements and exhibits from Sarah Watson, Paul Twydell and Steve Berry:
 - a) The company operates over 700 stores across England and Wales;
 - b) Stores are primarily convenience stores and not dedicated off licences;
 - c) They operate in many deprived areas and have shops near schools and alcohol and drug recovery centres and in those areas, they have never experienced the problems which are perceived in the representations;

- d) They have a Primary Authority partnership with Hertfordshire County Council which has operated for around 10 years and before that they were part of a Home Authority arrangement with Walsall Council. Their age related sales policies, procedures and training had been reviewed by the Primary Authority who had concluded that adequate systems are in place. These procedures were last reviewed in March 2022;
- e) Their age restricted policies, procedures and training include refusal of sale to those intoxicated and underage, refusals log, proxy sales, till prompts, point of sale 'Think 25' signage, internal test purchases, store audits and conflict management for staff. All staff have to complete quarterly age restricted product training declaration;
- f) The company is part of the Retail Alcohol Standards group which promotes the responsible sale of alcohol and a number of stores are involved in a Community Alcohol Partnership working with Trading Standards, Police and, in some cases, local schools;
- g) Stores employ local people so they have a knowledge of the area in which they work. Stores also work closely with local police and PCSOs;
- h) In the last 10 years, there have been no reviews of licences for the stores in this area. The only review that has taken place nationally was for a store in the north of country, around 8 years ago, which did retain its licence;
- i) The store will have safeguards to deal with behaviours in the immediate vicinity of shop. There will be internal and external CCTV which staff can monitor. Staff are trained to look out for anti-social behaviour and proxy sales. The conflict management training to staff will assist in moving on any customers who are loitering around the shop. The applicant confirmed that it was happy to agree to a condition requiring them move on people causing congestion or loitering outside the shop;
- j) Staff can also alert a monitoring centre if they are concerned by the behaviour of a person or something that is happening. This is done by pressing button on a console or on a wristband which they wear. There are also systems in place whereby a voice is played over speakers in the store telling a person that they are being watched and asking them to leave the premises;
- k) Whilst litter is not strictly relevant to the application as it does not solely relate the licensable activity applied for, the applicant was happy to install a litter bin near the store and also staff members would litter pick the frontage of store on a regular basis;
- l) The store entrance is from Millbay Road opposite the roundabout and is not directly opposite the school. The store will be laid out so that alcohol is in the line of sight of the checkouts, spirits will be kept behind the counter and CCTV is placed all around the shop with monitors in clear sight so that they can be

monitored by staff but also so that customers can easily see they are being monitored. Alcohol will not be visible through the windows;

- m) Staff will be aware of peak times of operation (such as school start and finish times) and all staff will be available on the shop floor and looking out for any issues;
- n) There are no plans at present for self-service check outs in this store;
- o) The problems outlined in the representations were problems that already existed in the area for which the applicant could not be held responsible. Their view was that having a light, bright store in the area may help with the regeneration that is happening in the area and having that store there may act as a deterrent for anti-social behaviour as having a well lit area with CCTV does not attract the type of problems that are envisaged in the representations;
- p) The applicant also confirmed that they were happy to agree to a condition where there is to be no advertising of age restricted products on the frontages of the store which are visible to Millbay Academy;
- q) The applicant also outlined charity works carried out by the company;
- r) Whilst the applicant understood the concerns outlined by the representations, the committee should ensure that its decision was evidence based and not based on speculation. Any decision made by the committee must be justified in terms of promoting the licensing objectives and proportionate for the aim intended. The applicant submitted that there was no evidence to suggest that the problems already in existence in the area would be moved closer to the school by the granting of the licence. This was supported by the fact that the Police had not made any representations and considered that the agreed conditions were sufficient to promote the licensing objectives. There had also not been any other representations from any other responsible authority.

(3) The committee heard from and considered the oral and written representations from other parties as follows:

- a) There is already an issue with street drinkers, anti-social behaviour and crime in the area which is linked to drink and drug use. This would worsen if the application were granted. There is a school opposite the premises and street drinking is somewhat removed from the school at present but a shop selling alcohol would bring this to the school doorstep and potentially create problems for local residents and pupils of the school -

This was considered to be relevant under the licensing objectives of prevention of children from harm and the prevention of crime and disorder. However, the problems already exist in the area and whilst there was no evidence to show that granting the licence would cause the problems to worsen or move to the front of the school, the committee considered that conditions agreed with the Police and the further volunteered conditions (contained in Annex A to Sarah Watson's statement and Annex D of the report) were appropriate and proportionate to reduce the

potential for any issues to arise and to ensure the promotion of the licensing objectives;

- b) There is a support service for disabled people close to the premises which vulnerable people attend. Granting the licence could compromise their safety -

This was considered to be relevant under the licensing objective of public safety however given that the premises was going to be open, well lit with CCTV this should increase the safety of the area and ensure the promotion of this licensing objective;

- c) There will be noise issues that will cause late night disturbance of residents and the wide pavement outside could become an assembly point for people acting in an antisocial fashion -

This was considered to be relevant under the licensing objectives of prevention of crime and disorder and prevention of public nuisance. The company will have CCTV in place covering the outside of the premises and have conflict training in place for staff to address any problems that may arise. However, the committee considered that the volunteered condition in relation to the moving on of any customers congregating outside was an appropriate and proportionate step to address the concerns outlined and to ensure the promotion of the licensing objectives;

- d) There is a local drug and alcohol shelter nearby and a homeless shelter that helps adults with challenges and health issues. The premises is directly opposite a local school (covering primary and secondary age groups) and there is a local pupil referral unit nearby. The school already suffers with problems of anti-social behaviour around the perimeter of its site including from members of the public and those from the shelters being intoxicated, shouting, fighting, urinating, exposing themselves and leaving broken bottles alongside needles. Staff regularly have to clear up these items. There is a potential for 'items' to be passed through the school fence. Some classroom windows overlook the premises meaning that children will be able to witness the selling of alcohol and the possible anti-social behaviour issues that can occur outside such shops. Witnessing such issues is likely to impact on anxious children not attending school and impacting negatively on their mental health, education, well-being and risk of grooming and child exploitation. At the school over 25% of the children have some additional or special education needs and disabilities as well as high levels of safeguarding concerns, social care involvement for families and children- this can leave children open to exploitation. Granting a licence to sell alcohol so close to the school would give an increased risk to children by causing the groups mentioned to congregate even nearer to the school -

This was considered to be relevant under the licensing condition of prevention of children from harm. However, the conditions agreed by the applicant with the Police (the CCTV requirements in particular) and those volunteered by the applicant (for example, no congregating outside), the applicant's policies and procedures (for example, age restricted sales in relation to proxy sales) would ensure that any potential risks were minimised and that the licensing objective was upheld. In addition, the information given by the applicant was that they already operate licensed shops in deprived areas where schools, alcohol and drug recovery centres

are present and had not been the subject of any reviews within the last 10 years which further provided confidence to the committee that the licensing objectives would be upheld;

- e) Having a shop nearby will make it easier for pupils to attempt to purchase alcohol increasing the risk to vulnerable pupils -

This was considered to be relevant under the licensing objective of prevention of children from harm. The company has robust procedures in place that have been approved under a Primary Authority arrangement in relation to age restricted items which will ensure that such sales do not take place. However, the committee considered that in addition to this, the volunteered condition in relation to the restriction on advertising alcohol on any frontages facing the school was appropriate and proportionate to ensure the promotion of the licensing objective;

- (4) The committee disregarded the following representations as they were either not relevant to the licensing objectives or the licensable activity applied for:
 - a) There are already premises selling alcohol nearby (not relevant to the licensing objectives);
 - b) Lack of parking on a busy junction is a danger with the premises opposite a school and zebra crossing. Double parking is already a daily occurrence. (not linked directly to the licensable activity applied for);
 - c) Litter being produced by the convenience store (not directly linked to the licensable activity applied for);
 - d) A request for a ban on advertising tobacco (not directly linked to the licensable activity applied for);
 - e) The charity work and employment opportunities to local residents mentioned by the applicant (not relevant to the licensing objectives);

The committee noted that the company had fully engaged in the licensing process in relation to this application and had tried to address the concerns of local residents. This demonstrated to the committee that the applicant was fully committed to upholding the licensing objectives. Therefore, the committee agreed that the licence would be granted as applied for subject to the following conditions which were appropriate and proportionate to ensure the promotion of the licensing objectives as outlined above:

- a) The mandatory conditions contained within the Licensing Act 2003;
- b) Conditions consistent with the applicant's operating schedule;
- c) The conditions which were contained at Appendix D of the report and Annex A of Sarah Watson's statement as follows:
 - i. All staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects)

- for evidence of age (Challenge 25). This evidence shall be photographic, such as passport or photographic driving licence, or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram, until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced;
- ii. Till prompts will be installed to remind staff to check the age of customers for sales of age-restricted products;
 - iii. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age;
 - iv. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of the cashier / staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises);
 - v. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises;
 - vi. The CCTV system shall cover all areas of the premises to which the public have access including any outside areas;
 - vii. Images shall be retained for a minimum of 31 days;
 - viii. The CCTV system shall be capable of downloading images to a recognizable viewable format;
 - ix. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised office;
 - x. Minimum of two staff to be on duty at times the premises remain open for sale;
 - xi. No single cans or bottles of beer or cider will be sold;
 - xii. No sale of high strength beers or ciders above 6.5 ABV;
 - xiii. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those purchasing off sales information of the city Public Space Protection Order;
 - xiv. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all staff, supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and then twice annually. Electronic training

records shall be made available to an enforcement officer on request. Historical training records extending back to a period of three years, should be made available within 48 hours;

- xv. The Premises Licence Holder or Designated Premises Supervisor shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorized enforcement officer on request.

d) Conditions volunteered by the applicant at the committee hearing as follows:

- i. Should customers be outside of the premises loitering or causing congestion or acting in an anti-social manner, the premises licence holder, manager or other competent person will tell them to move on and take such steps as are appropriate in the circumstances to ensure that they do move on;
- ii. No age restricted product will be advertised on any of the frontages of the premises which are visible to Millbay Academy.

21. **Exempt Business**

There were no items of Exempt Business.