

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 29 JUNE 2016 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; HARNHAM LOCAL 1 HARNHAM ROAD, SALISBURY, SP2 8JG

Present:

Cllr Trevor Carbin, Cllr Jose Green, Cllr George Jeans (Substitute) and Cllr Leo Randall

Also Present:

Ian Garrod (Licensing Officer)
Linda Holland (Licensing Manager)
Lisa Moore (Democratic Services)
Paul Taylor (Solicitor)
Cllr Ian Tomes – Public Representation
Elizabeth Slater – Public Representation
The Reverend Canon Michael Goater – Public Representation

Members of the public

21 Election of Chairman

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

22 Apologies for Absence/Substitutions

There were no apologies.

23 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

24 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

25 **Declarations of Interest**

There were no interests declared.

26 **Licensing Application**

Application by Mrs Fatma Kaya-Cifci for a Premises Licence – Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration, including:

- The Application was for a premises license for the sale by retail of alcohol (off sales) for the hours of 7.00am – 11.00pm Monday to Sunday.
- Eleven relevant representations had been received, ten objecting to the application and one in support.
- No representation had been made by any of the statutory Authorities.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Hudson of Dorset Licensing on behalf of the Applicant were:

- The premises was a small store which would stock a typical range of goods. Over the past 110 years the premises had been used mainly as a grocery or general store and had also served as a post office. Only in the past 10 years the premises had not operated as such and had been used as a furniture design store.
- Both of the applicant and her husband had several years experience in the sale of alcohol.
- The applicant had operated other stores around the City and had not experienced any problems relating to anti social behaviour in the past.
- The relevant Authorities had not found anything to cause them to make representations.
- The applicant had been in contact with the Crime Prevention Officer and would continue to work with him.
- CCTV would be in operation in the store, as per the condition detailed on page 28 of the agenda.
- High value goods such as spirits and tobacco would be kept behind the counter.

- Steps had been put forward to promote the Licensing Objectives.
- Staff responsible for selling alcohol would all receive training and be over 18 years of age.
- The till would alert the staff when goods requiring ID were scanned.
- The operating hours applied for were 7 – 11pm 7 days of the week, however flexibility would allow the applicant to open less depending on the level of trade.
- This would be a family based store; it was in the best interest of the applicant to monitor any anti social behaviour.
- There was a long history of a shop at this location, it would be a benefit to the community.
- The store was likely to be closed by the time people walked back from town after the pubs closed on Friday and Saturday evenings.

Key points raised by those who made a Relevant Representation were:

Cllr Ian Tomes:

- Did not usually object to licensing applications; however he felt the site to be unsuitable as it was too cramped an area, close to the houses and without a car park.
- Some residents had started a petition against the application, and had been unhappy that the meeting had been scheduled during the day as more would have attended if it had been held in the evening.
- A shop and post office had been on this site in the past for many years, many residents would welcome a shop, but not with off sales of alcohol. The area suffered from anti social behaviour with intoxicated people urinating in the area.
- The site was very prominent as it sat on the junction of three roads, it would add to the noise and nuisance which the residents already had to suffer.

Elizabeth Slater:

- The prevention of Public Nuisance and Public Disorder was key.
- The route from Harnham to the City already suffered from problems such as vandalism to cars, gates and windows and intoxicated people climbing into the sheltered housing complex.
- The premises did not have a link to public behaviour as it was previously operating as a furniture shop.
- The application ran counter to guidance despite the lack of input from the Police and Environmental Health.

The Reverend Canon; Michael Goater:

- As Master of St Nicholas' Hospital on Harnham Road he was responsible for 28 vulnerable adult residents.
- Any impact from crime and disorder or public nuisance impacted on the residents.

- St Nicholas road suffered from low level behaviour, including the littering of alcohol cans exasperated by alcohol consumption.
- Nuisance included minor vandalism, shouting in the street, cars revving and trespassing incidents related to intoxication.
- The CCTV on site at the hospital acted as a deterrent; however this did not prevent issues which spread beyond the scope of the cameras.
- There was no doubt that the store would be well managed, however it was felt that once alcohol was removed from the premises, that would be where the trouble would occur.
- One concern was the protection of the children passing on their way to school.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11.30am.

The Hearing reconvened at 12.30pm.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

The decision of the Southern Area Licensing Sub Committee was to GRANT the Premises Licence for Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG, with the following condition, in addition to those on the operating schedule:

1.
 - a) **A CCTV system with recording or monitoring capability shall be installed. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of Wiltshire Council or Police Officer.**
 - b) **The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.**
 - c) **The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.**

Reasons:

The Sub-Committee took into account the written representations and the oral submissions received at the hearing from all parties relating to concerns about anti social behaviour and crime & disorder.

Having taken those representations into account and noting that there had been no representations from the Police, the Sub Committee decided that it was appropriate to grant the application with the strengthened condition concerning the CCTV provision.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The granting of this premises application is without prejudice to any other consents or approvals, including any planning permission that may be required.

- 27 **Appendix 1 - Application**
- 28 **Appendix 2 - Map**
- 29 **Appendix 3 - Email from Cllr Tomes**
- 30 **Appendix 4 - Email from Robert Key**
- 31 **Appendix 5 - Map**

(Duration of meeting: 10.30am – 12.35pm)

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