

LICENSING SUB-COMMITTEE B - 13 JULY 2011

**APPLICATION FOR A PREMISES LICENCE - LONDIS, ABERDEEN HOUSE, WYCH HILL,
WOKING, GU22 0EU**

Executive Summary

This report considers an application for a Premises Licence (PL) for the above premises which varies its existing conditions.

Recommendations

The Committee is requested to:

RESOLVE that the report be considered and the application be determined accordingly.

The Sub-Committee has the authority to determine the above recommendation.

Background Papers:

Application form
Operating Schedule
Representations from Statutory Bodies and Interested Parties
Sustainability Impact Assessment
Equalities Impact Assessment

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1.0 Summary of Proposal

Application Type: New Premises Licence
Variation: No
Site Address: Aberdeen House, Wych Hill, Woking, Surrey, GU22 0EU
Applicant Mr Emmaunel Okorie
Application Ref: 11/00134/PREMIS

2.0 Details of Proposal and Operating Schedule

2.1 This is an application to permit the premises to sell alcohol between the following times;

Sale of alcohol	Week Days	07:00 – 21:00
Sale of alcohol	Weekends	07:00 – 21:00

2.2 A copy of the application received from the applicant is attached as Appendix 1.

3.0 Promotion of Licensing Objectives

3.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

3.2 The operating schedule submitted in the application form, which is attached in Appendix 1, shows that the licensing objectives will be met as follows:

a) General – all four licensing objectives (b, c, d, e)

- 3.3 To ensure that all staff informed and trained regarding the licensing laws, e.g. who to serve and not to serve alcohol.
- 3.4 Make sure that alcohol is not consumed within and around of the premises.
- 3.5 Any Policeman on uniform should not be served. Anybody deem to be drunk and known prostitutes should not be served.
- 3.6 Any suspicion of under age, ask for proof of age.
- 3.7 Only accept valid proof of age i.e. PASS- accredited cards, passport or photo driving licence.
- 3.8 Sale of alcohol only to 18 years and above.

b) The prevention of crime and disorder

- 3.9 Install CCTV.
- 3.10 Remote Access.
- 3.11 Camera installed at the front to view people in and out.
- 3.12 I will be installing camera outside the store plus another six within the store.
- 3.13 Call the Police where trouble is envisaged.
- 3.14 Call Police when there is trouble in the area and around the shop.
- 3.15 Fill out customer refusal log book when the sale of alcohol is refused.
- 3.16 Be proactive in preventing the sale of alcohol to under age.

c) Public Safety

- 3.17 Make sure that alcohol location is visible to the eye.
- 3.18 Be vigilant and be aware of any trouble maker.
- 3.19 Display proof of age material and proxy purchase warnings prominently.
- 3.20 Monitor premises.
- 3.21 Ensure that alcohol is not consumed inside and around the premises/store.

d) The prevention of public nuisance

- 3.22 Call the Police as soon as you suspect any trouble.
- 3.23 Keep copy of recorded incidence for example CCTV recordings.
- 3.24 Keep CCTV recordings for 30 days.
- 3.25 Recordings to be kept on a hard drive.
- 3.26 Recordings (copy of) shall be made available if required by authorised officer.

e) The protection of children from harm

- 3.27 Ask for ID where you suspect that the person is under age.
- 3.28 If 18 - challenge 21/25 invoke.
- 3.29 Where a staff suspect a purchase of alcohol to children, that sale will be refused and

recorded.

3.30 Call supervisor to supervise the sale of alcohol if staff is under 18.

3.31 Fill out refusals sheet.

4.0 Relevant Representations

4.1 The following representations have been received in relation to the application:

Responsible Authorities

Surrey Police: No objections have been received.

Surrey Fire and Rescue Service: No objections have been received.

Environmental Health (WBC): No objections have been received.

Planning Authority (WBC): No objections have been received.

Social Services (SCC): No objections have been received.

Trading Standards: No objections have been received.

Interested Parties

Members of Public: 31 objections received (summary below).

Other Persons: No objections have been received.

Due to the large number of letters received with regard to this application, the Chairman of the Licensing Committee requested that a summary of the objections be made rather than produce large print outs. Objectors should note, however, that the Committee and applicant have seen the letters electronically.

Not all letters received would have been “relevant” under the Licensing Act 2003. However, it was agreed that rejecting a resident’s letter would simply result in the objection being re-written in a format that would meet the criteria. Therefore all respondents were contacted with the letter attached as appendix 2 and later informed of the Committee date and time.

Store not needed	25 comments
No parking capacity for a store	24 comments
Increased traffic nuisance	7 comments
Increase in crime already in the area	7 comments
Alcohol related nuisance issues	6 comments
Increased litter	5 comments

Deliveries and waste containers eyesore 1 comment

Specifically mentioning the licensing objectives

Potential increase in Crime and Disorder 4 comments

Potential increase in Public Nuisance 3 comments

Risk to Public Safety 2 comments

Impact on Child Protection 1 comment

5.0 Policy Considerations

5.1 In making its decision, the Sub-Committee is obliged to have regard to national Guidance and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

5.2 The Licensing Officer considered the following policies taken from the '*Licensing Policy for Woking Borough*' should be considered for this application.

From Woking Borough Council Licensing Policy 2011-2014

6.5 The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

6.6 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual,

7.0 The licensing objectives

Prevention of crime and disorder

7.1 The Council will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter or leave.

7.2 In addition to the requirement for the Council to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.

7.3 The Council will expect applicants to include in their operating schedules the

steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

In particular, the Council will expect applicants to address the following matters.

- Physical security features e.g. use of toughened drinking glasses.
- Procedures for the risk assessment of alcohol promotions, such as 'happy hours' (please see 7.5).
- The use of licensed door supervisors.
- Amount of seating to be provided to reduce high volume vertical drinking.
- Training given to staff in crime prevention measures.
- Measures agreed with the police to reduce crime and disorder.

Participation in the Woking Pubwatch Scheme will be expected of licence applicants for all bar, pub and nightclub premises in the Borough.

7.4 Premises offering alcohol and late night music and dancing will also be expected to address the following.

- Search procedures.
- Measures to prevent the use or supply of illegal drugs (applicants will be expected to explain how they intend to comply with the safer clubbing checklist, see Appendix 2, page 26).
- Provision of CCTV video cameras and audio recording equipment (including details of the position, siting and maintenance of each camera, the period of time for which recordings are to be retained and measures for ensuring their continued operation during opening hours).
- Subscription to and participation in the use of an inter-premises radio network linked to the police during opening hours will be expected of licence applicants for bar, pub and nightclub premises in Woking Town Centre (please see definition in 7.7) should one be in operation.

7.5 The Council wishes to discourage the operation of alcohol promotions such as 'happy hours', which may encourage patrons to consume a large amount of alcohol in a short space of time. Such schemes can lead to binge drinking and increase the potential for crime and disorder.

7.6 The Council recognises that licence conditions should not replicate offences that are set out in the Licensing Act or other legislation. With this in mind, the Council will, when considering an application for a premises licence upon the receipt of relevant representations, consider attaching conditions to licences and certificates to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises.

These may include conditions drawn from the Pool of Conditions relating to the prevention of crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities that take place there.

8.0 The licensing objectives

Public safety

8.1 The Council will carry out its licensing functions with a view to promoting public safety

and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

8.2 The Council will expect the applicants to include in their operating schedules the steps they propose to take to promote public safety and applicants are advised to seek advice from Council licensing officers and Surrey Fire and Rescue Service. In particular, the Council will expect applicants to address the following matters in their operating schedules:

- suggested capacities (including staff and performers)
- use of equipment
- levels of door supervision
- measures to prevent the supply and use of illegal drugs (applicants will be expected to explain how they intend to comply with the safer clubbing checklist, see Appendix 2, page 26)
- free availability of water
- physical safety features e.g. use of toughened glass
- fire evacuation procedures.

8.3 It is best practice for applicants to show that they have undertaken full risk assessments of the premises, including fire risk assessments.

8.4 The Council will consider attaching conditions to licences and certificates to promote

public safety. These may include conditions drawn from the Pool of Conditions relating to public safety (including fire safety) and theatres, cinemas, concert halls and

similar places (the promotion of public safety). Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

9.0 The licensing objectives

Prevention of nuisance

9.1 The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

9.2 The Council's concerns mainly relate to noise nuisance, light pollution and noxious smells. Applicants are expected to include in their operating schedules the steps they propose to take to address these issues and prevent public nuisance.

In particular, the Council will expect applicants to address the following matters in their operating schedules:

- installation of a sound limiting device
- soundproofing measures e.g. from keeping doors and windows closed to double door entry/exit systems. Where the premises are to include open areas e.g. pub gardens, the applicant will be expected to specify how they intend to minimise nuisance from such areas
- measures to be taken to prevent/minimise nuisance caused by the delivery

and disposal of bottles measures/procedures for controlling the behaviour of patrons measures for the winding down of alcohol sales in queues

- measures to be taken to prevent/minimise nuisance caused by the dispersal of patrons from the premises e.g.:

the erection of prominent notices requesting customers to leave in a quiet manner

loudspeaker announcements

reduction in volume and tempo of the music towards the end of the evening

giving away free lollipops to customers as they leave to discourage loud behaviour

procedures for the collection of litter in the vicinity of the premises

procedures to bar customers who regularly leave the premises in a noisy manner

means of accessing local licensed taxi services

Applicants are advised to seek advice from the Council's licensing officers before preparing their operating schedules.

9.3 It is now illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. Provisions for the collection of litter have already been mentioned, but premises should take particular steps to combat litter from smoking, as it will be easier to attribute this to a particular premise and is more likely to generate complaints. Persistent complaints can lead to a call for a licence review, on the grounds of public nuisance from a responsible authority.

9.4 The Council will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to premises licences and club premises certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Conditions relating to the prevention of public nuisance. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

10.0 The licensing objectives

Prevention of harm to children

10.1 The Council will carry out their licensing functions with a view to protecting children

from harm. In addition to the specific prohibitions in the Licensing Act on the access of unaccompanied children to certain premises between certain hours, licensees will be expected to take measures to ensure the safety and welfare of children on their premises. The Council is committed to reducing the problems arising from under-age drinking and to protect children from moral, psychological or physical harm.

10.2 The Council will expect applicants to include in their operating schedules the steps they propose to take to prevent harm to children. In particular, the Council will expect applicants to address the following matters within their operating schedules.

- Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:

(a) in addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by the Proof of Age Standards Scheme (PASS) e.g. Citizen Card, Connexions Card, Portman Card will

be in operation

(b) staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification), such training to be properly documented and records made available for inspection

(c) registers of refused sales will be maintained and made available for inspection.

(d) a policy of requesting suitable photographic identification from those appearing to be below or close an age limit **above** the legal age for alcohol sale/purchase , for example, Think 21, Challenge 25.

- Applicants must indicate whether they are signatories to the Portman Group Code of Practice (see 10.6.6).
- Where children are expected to attend regulated entertainment, the measures proposed to ensure their safety.

10.3 The Surrey Child Protection Unit will be consulted on applications for premises licences and club premises certificates.

10.4 Applicants needing advice on how to avoid age-restricted sales may contact Surrey Trading Standards.

10.5 The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include items drawn from the Pool of Conditions relating to the protection of children from harm. Conditions may also be attached to prevent the positioning of cigarette machines to which children may have access.

10.6 Child access to licensed premises

10.6.1 The Council will consider the individual merits of each application before deciding whether it is necessary to limit the access of children to any given premises.

The following are examples of premises that will raise particular concern.

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there is a known association with drug taking or dealing.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
- Where entertainment or services of an adult or sexual nature are commonly provided. The Council will not normally grant permission for entertainment of an adult or sexual nature in premises near schools, churches, youth clubs or other premises where children are likely to attend.

10.6.2 The Council may consider that additional steps for limiting the access of children to licensed premises are necessary in order to prevent harm. These steps (which may be adopted in combination) include:

- limitations on the hours when children may be present
- limitations on the presence of children under certain ages when particular specified activities are taking place
- limitations on the parts of premises to which children might be given access
- age limitations (below 18)
- requirements for an accompanying adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

10.6.3 Conditions will not be attached to licences or certificates requiring that children be admitted to any premises. Where no licensing restriction is necessary, this will be left to the discretion of the individual licensee, club or person who has been given a temporary event notice. Applicants for premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules if their risk assessments have determined that the presence of children is undesirable or inappropriate. If the Council receives no relevant representations, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate.

10.6.4 It is illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. This could lead to children being left unaccompanied and therefore a premise would be operating illegally. Operators must ensure steps are in place to combat this issue and that children remain under the necessary supervision of the accompanying adult at all times. Unaccompanied children on a premise licensed for the sale of alcohol would be in breach of licensing conditions.

10.6.5 The Council supports PASS, which aims to approve and accredit proof of age schemes to assist in preventing underage access to unsuitable premises and the purchasing of alcohol. This scheme, introduced by the British Retail Consortium and audited by the Trading Standards Institute, identifies reliable and secure proof of age schemes with the same hologram mark in order that retailers can easily distinguish accredited cards from forgeries or cards under unreliable schemes.

10.6.6 The Council supports the aims of the Portman Group and commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks to all applicants.

11.0 Licensing hours

11.1 The Council recognises that flexible licensing hours for the sale of alcohol can assist in ensuring that large concentrations of people do not leave premises at the same time and can reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and other peaks of nuisance and anti-social behaviour.

11.2 Fixed trading hours within designated areas (also known as 'zoning') will not be set, as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, resulting in concentrations of disturbance and noise.

11.3 The Council may consider imposing stricter conditions in respect of noise control where premises are situated in areas that have denser residential accommodation. However, regard will be given to the individual merits of any application.

11.4 The Council will only consider restricting the hours shops, stores and supermarkets can sell alcohol for consumption off the premises where there are good reasons to do so. For example, following police representations that a premise is known to be the focus of disorder and disturbance, due to youths or street drinkers gathering there and engaging in nuisance and anti-social behaviour.

11.5 Applications for premises offering late night take away food and drink will be considered on their individual merits. However, the impact upon the licensing objectives of people gathering at such premises after other licensed premises have closed can be considerable, and in determining licensing hours, regard will therefore be given to the density and closing times of other licensed premises in the vicinity.

5.3 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- i) Grant the application as made.
- ii) Modify the conditions of the licence, by altering, removing or adding to them.
- iii) Reject the whole or part of the application.

5.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

5.5 The "Pool of Conditions" is provided as appendix 3.

6.0 Implications

Financial

6.1 There are no significant financial implications. A nationally set application fee is charged to defray the cost of processing applications.

Human Resource/Training and Development

6.2 None.

Risk Management

6.3 The risks to the Council associated with determining an application are:

- Failure to undertake our statutory responsibilities within required timescales;

- Making a decision that could be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
- Making a decision that compromises Community Safety.

6.4 These risks have been dealt with in the report under section 4.0 by highlighting that the Sub-Committee is required to determine this application for a premises licences under the Licensing Act 2003 having due regard to the four licensing objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being open to challenge via appeal to the Magistrates court and promote Community Safety in the Borough.

Sustainability

6.5 The four licensing objectives addressed in the Council's licensing policy, which the Sub-Committee is obliged to have regard to in making its decision, are in line with the Council's sustainability aims.

7.0 Conclusions

7.1 The Committee is asked to consider the variation application, contents of this report and its appendices, the evidence and representations presented, answers to questions posed and deliver its decision with reasons.

REPORT ENDS

ISYS REF:REPORT-13/07/11-Application for a Premises Licence – Londis, Aberdeen House, Wych Hill, Woking