

LICENSING SUB-COMMITTEE

TUESDAY 16 APRIL 2019

10.30am to 12.00pm

Councillor Simon Edwards
Councillor Alison Holt
Councillor Margaret Thompson (Chair)

1. APPOINTMENT OF CHAIR

Councillor Margaret Thompson was appointed Chair for the duration of the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting were approved as a correct record.

4. SHELL WAITROSE KINGSTONIAN – 164 RICHMOND ROAD, Appendix A KINGSTON UPON THAMES, KT2 5HD

The Licensing Sub-Committee considered an application for a new Premises Licence for Shell Waitrose Kingstonian – 164 Richmond Road, Kingston upon Thames, KT2 5HD which was made on 21 February 2019 by Lockett & Co on behalf of Shell UK Oil Products Limited.

The application sought the grant of the following:

- **The sale by retail of alcohol (for consumption off the premises)**
00:00 to 24:00 Monday to Sunday
- **The provision of late night refreshment (indoors)**
23:00 to 05:00 the following morning, Monday to Sunday
- **Opening Hours**
00:00 to 24:00 hours Monday to Sunday

When the hearing commenced the applicant addressed the Sub-Committee to amend the application to the following:

- **The sale by retail of alcohol (for consumption off the premises)**
07:00 to 23:00 Monday to Sunday
- **Removal of provision of late night refreshment (indoors)**
- **Opening Hours**
07:00 to 23:00 hours Monday to Sunday
- **An amendment to the plan outlined in Annex 6.**

The Licensing Officer's report confirmed that in accordance with the Council's Licensing Policy, 293 addresses were consulted in writing and informed that an application had been received. 83 valid representations were received from Other

Parties. Of those representations, two were made on behalf of local residents associations (Archer Close Residents Association and Canbury and Riverside Association), one on behalf of the Canbury and Tudor Police Panel, and one on behalf of Kingston Academy. The representations make reference to matters that related to all four licensing objectives.

All Responsible Authorities received a copy of the application. The Metropolitan Police as the Responsible Authority for the prevention of crime and disorder, Environmental Protection Officer (Pollution Control) as Responsible Authority for the prevention of public nuisance, and the Director of Public Health made representations to the application.

A number of representations made reference to the need for a licensed premises. Members were aware that in making their decision “need” could not be taken into consideration, as set out in Paragraph 14.19 of the Secretary of State’s Guidance.

Following receipt of the amendments to the application all responsible authorities who had originally made representations withdrew their objections. The residents present at the hearing also indicated that they had no concern with the application.

Having considered the amended application for a Premises Licence pursuant to the Licensing Act 2003 for the premises known as ‘Shell Waitrose Kingstonian’, ensuring that the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance were met under Section 4 of the Licensing Act 2003, and having considered the written representations of those that submitted Representations and the written and oral representations made by the Applicant and Other Party, and having regard to the Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003, and the Council’s Statement of Licensing Policy, the Licensing Sub-Committee decided to **GRANT** the application.

REASONS

The applicant’s legal representative, Mr Leo Charambilides, addressed the Sub-Committee to explain that following some discussion they wished to amend the application to remove the request for provision of late night refreshment and amend the opening hours and hours requested for sale by retail of alcohol so that they were both 07:00 to 23:00 hours. In addition, they wished to extend the footprint of the licence to fit the new proposed footprint as part of a separate planning application as set out in Annex 6. It was explained that they wished to work with residents through mediation and consolidation.

The Licensing Sub-Committee considered that the previous business at the site had operated between the hours of 07:00 hours and 23:00 hours with an alcohol licence without any complaints from residents. It was considered that the proposed hours would not cause or exacerbate alcohol related problems in the vicinity of the premises or contribute to noise nuisance late into the night.

The Licensing Sub-Committee considered the objections raised by residents but determined that many of these objections no longer applied, as the main cause of concern was the increased hours of operation to permit the sale of alcohol 24 hours a day 7 days a week.

The Licensing Sub-Committee determined that there was no evidence to indicate that granting the hours as amended would increase the likelihood of alcohol related crime or anti-social incidents, subject to the conditions attached on the operating schedule. It was considered that these conditions reduced the likelihood of street drinking, noise nuisance and littering in the area and concerns raised by the resident objectors.

A resident addressed the Sub-Committee in support of the amendments to the application as they alleviated resident concerns in terms of late night disturbances however, issues surrounding residual waste in the area such as broken glass needed to be addressed. The Licensing Sub-Committee welcomed the applicant's assurances that regularly maintained refuse bins would be provided on the site's forecourt to reduce the likelihood of litter in the vicinity.

The Licensing Sub-Committee was therefore satisfied that there was no evidence to indicate that same hours in the existing licence for the sale by retail of alcohol would undermine the Licensing Objectives for Prevention of Crime and Disorder or Prevention of Public Nuisance. Nevertheless, review of the premises licence was available if the premises licence holder did breach the Premises Licence conditions. The Licensing Sub-Committee considered that this decision was appropriate and proportionate.

1. URGENT ITEMS AUTHORISED BY THE CHAIR

There were no urgent items.

Signed.....Date.....
Chair