

## **Runnymede Borough Council**

### **Licensing Sub-Committee**

**Application for a new Premises Licence under  
the Licensing Act 2003**

**McColls, 3 Ongar Parade, Addlestone, Surrey KT15 1JH**

**Date of Hearing: Thursday 28 May 2015 at 11.00am**

**Venue: the Council Chamber, Civic Centre**

### **NOTIFICATION OF DECISION**

Members of the Committee: Councillors Mrs M T Harnden (Chairman), R J Edis and Mrs E Gill.

For the Applicant Miss Stephanie Hall, of Lockett & Co. Licensing Consultants.

Other Persons: None attending

Officers of the Authority Robert Smith, Senior Licensing Officer, Andrew Atkinson, Solicitor, Legal Advisor to the Sub-Committee and Clare Pinnock the Clerk to the Sub-Committee.

This is an application by Martin McColl Limited Ltd owner of 3 Ongar Parade, Addlestone, Surrey KT15 1JH under section 17 of the Licensing Act 2003 for a Premises Licence. The Application is for a new licence for the sale of alcohol for consumption off-premises only. The proposed times for alcohol sales are Monday to Sunday from 06:00 to 23:00 hours. No non-standard timings or seasonal variations for the supply of alcohol were applied for. The operating schedule states that the proposed opening times of the premises are Monday to Sunday from 06:00 to 23:00 hours. It was clarified on behalf of the Applicant that the store currently closed in the early evening and it would only open later and up to 23:00 hours if there was sufficient local demand.

The Sub-Committee was informed that a request had been received from two objectors unable to attend the hearing to adjourn the meeting to allow them to address their concerns in person. The view of the parties present was that the hearing should go ahead and the Sub-Committee decided it was in the public interest that it should, but the objectors' further written representations would be taken into account.

Neither the Licensing Authority nor any of the Responsible Authorities had submitted any representations. Four relevant representations had been received from local residents.

Mr Smith, the Senior Licensing Officer, presented the report to the Sub-Committee and answered questions. As to the close proximity of a Cooperative convenience store which closed at 9.00pm, Mr Smith advised that the Council's Licensing Policy did not include a provision to take into account cumulative impact and the operating schedule of the Co-op's licence allowed it to remain open until 23:00 hour if it chose to do so.

Miss Hall presented McColl's case and answered questions. She said that, in response to falling sales of tobacco the company was moving the emphasis of its nationwide business to the sale of food, including fresh food. She confirmed that a suitable CCTV system would be in place and outlined the measures the firm would be taking to prevent the sales of alcohol to underage persons.

**Decision:**

The Sub-Committee carefully considered the application, the committee report, including the written representations; the submissions of Mr Smith; the representations on behalf of the applicant company and those of the other persons, including a further written submission tabled at the meeting in lieu of oral representation; the relevant provisions for the Licensing Act 2003 and of the latest Amended Guidance issued under Section 182 of the Act in March 2015; The Council's Licensing Policy (Third Edition) 2011-2016, paragraphs 4 to 9 relating to local policy and also paragraph 10.

The Sub-Committee was satisfied that the licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm were engaged.

The decision of the Sub-Committee was to grant the Premises Licence in accordance with the application subject to mandatory conditions, the conditions consistent with the operating schedule submitted and including the following:

- The supply of alcohol for consumption off the premises between the hours of 06:00 to 23:00, Monday to Sunday.

**Reasons:**

The Sub-Committee considered the conditions proposed were appropriate to address potential problems that might arise, taking into account those raised by the representations from the other persons.

- It took account that the Runnymede's Licensing Policy document at paragraph 10 'Shops, Stores and Supermarkets' states, at 10.1, that the Council will generally consider licensing stores for off sales 'at any time they are open for shopping'; that valid reasons for restricting those hours, such as given in 10.2, Police representations of shops known to be the 'focus of disorder and disturbance', were not present and, in accordance with 10.3, the operating schedule submitted had indicated, at 'M(e)', the procedures in place to ensure alcohol is not sold to a person not entitled to purchase it.
- It took account the current Statutory Guidance, in particular paragraph 10.13 concerning conditions, which states stores should normally be free to sell alcohol for off premises consumption at any times the retail outlet

was open. It concluded that there were no good reasons, based on the licensing objectives for restricting those hours.

Members noted that if concerns relating to the licensing objectives arose then any person could apply under the legislation to have the licence reviewed.

### **Appeal**

If the Applicant or any person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to the Staines Magistrates' Court, Knowle Green, Staines, Middlesex within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

### **Effective Date**

The premises licence will take effect from 28 May 2015.

Dated: **4 June 2015**

Signed:

A handwritten signature in black ink, appearing to read 'M. J. ...', is written over a rectangular official stamp. The stamp contains some illegible text and a small graphic element.

**For the Corporate Head of Legal & Governance, Runnymede BC**