

Licensing Sub-Committee – Meeting held on Monday, 25th June, 2018.

Present:- Councillors Davis (Chair), S Parmar and Wright.

Officers Present:- Shabana Kauser (Democratic Services), Alison Peters (Legal Services) and Mick Sims (Licensing)

PART 1

24. Declarations of Interest

None were declared.

25. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

26. Minutes of the Meetings held on 19 February 2018 and 6 March 2018.

Resolved – That the minutes of the meetings held on 19th February 2018 and 6 March 2018 be approved as a correct record.

27. Application to Vary Premises Licence - BP Oil UK Ltd, 575-581 London Road, Slough

The Chair welcomed all parties to the meeting and following introductions, confirmed that all had received a copy of the paperwork.

Introduction by the Council's Licensing Manager

Mr Sims, the Licensing Manager, outlined the three objections that had been received in response to the statutory notification carried out following receipt of the application to vary the premises licence. The Members of the Licensing Sub-Committee were reminded that all objections had to relate to one of the four licensing objectives and could not be frivolous or vexatious.

A petition had also been received from local residents citing concerns regarding the number of individuals congregating in the immediate vicinity, creating a nuisance and anti-social behaviour.

It was made clear to the Licensing Sub-Committee that no objections had been received from any of the responsible authorities including Thames Valley Police and the Neighbourhood Enforcement Team. In addition, none of the ward Councillors for Colnbrook had commented on the proposed variation.

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Questions to the Licensing Manager

A Member sought clarification as to how many other petrol stations in Slough had a licence for the sale of alcohol for 24 hours a day. It was noted that the majority of petrol stations had 24 hour licences in place for the sale of alcohol.

Representations made on behalf of BP Oil Limited

Mr Botkai, on behalf of BP oil Limited, outlined the reasons why an application to vary the premises licence had been submitted. The existing premises licence allowed for the sale of alcohol between the hours of 8am and 11pm. The property in question had been a petrol station for a number of years and there was no knowledge of the property being a focus of disorder or disturbance, which was reflected in the fact that there had been no objections received to the application from any of the responsible authorities.

It was brought to the Sub-Committee's attention that the doors to the petrol station remained open during the evening (as opposed to through a night hatch), allowing for transactions to be undertaken quietly inside the property, which was run by an experienced store manager. Furthermore, the premises were not serviced at night, with Marks & Spencer deliveries taking place early in the morning and fuel deliveries during the day.

The staff at the property also carried out litter patrols during the day and the store manager was not aware of individuals congregating at the property. It was accepted that individuals could purchase alcohol from the station and congregate at the small park nearby.

It was submitted that the application was in line with the practice of other operators in the locality, as many operators were open 24 hours a day. The relaxation of licensing hours would allow for the sale of alcohol to customers who worked shifts or had different shopping patterns and not to serve drunks late at night.

The Sub-Committee were informed that appropriate measures would be in place to deal with any complaints made regarding anti-social behaviour and that there was always the possibility for a review of the premises licence to be undertaken should evidence of problems come to light in the future. It was noted that CCTV was present at the property.

The Sub-Committee were reminded that it was not sufficient for the application to be refused merely on the grounds of speculation of future adverse impact or for reasons that did not relate to any of the licensing objectives. Alcohol was already being sold from the property and in your experience, objections to such applications to vary licences, were based upon a fear of what might happen rather than on the basis of real evidence of a negative impact.

Questions to Applicant's Representative.

It was confirmed that the premises were covered by CCTV which operated on a 24 hour basis.

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Representations made by Interested Party - Mr Maninderpal Matharu

Mr Matharu stated he was a regular user of the petrol station and appreciated having a 24 hour opening was generally positive, but not with regard to selling alcohol all day. He was aware of the gentlemen's club which was located half a mile away from the property which sold alcohol all day, but pointed out the club was not in a residential area and therefore did not attract complaints about such activity.

Mr Matharu showed 5 photographs to the Licensing Sub-Committee of the area adjacent to property. It was explained that Brands Hill was a residential area and that although the Post Office sold alcohol, it closed at 11pm. Mr Matharu stated that in his view, local residents had not complained about the proposed licence variation due to inertia - they were too busy to complain. Furthermore, the size of the public notice in respect of the proposed variation was too small at A5 and suggested that it should be A3 size.

Mr Matharu set out that in his opinion CCTV was not a deterrent to anti-social behaviour and its only use was for evidence. In his opinion, if people wanted to buy alcohol, the hours of 8am to 11pm were more than sufficient.

In summary, Mr Matharu stated that allowing the sale of alcohol all day would not be a positive benefit to the community and objected to the variation on ethical grounds, and stated it was just for profit and was a detriment to the local community.

Summing Up

All parties provided a short summary following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

Resolved – That the application to approve the variation of the premises licence be granted as set out below:

- a) To extend the hours for the sale of alcohol to 24 hours a day 7 days a week.
- b) To remove all the embedded restrictions set out in Annex 2 on the premises licence.
- c) To remove all the conditions set out in Annex 2 on the premises licence.
- d) To include the conditions set out in boxes B and E of Section M of the operating schedule as set out in the report.

Chair

(Note: The Meeting opened at 10.11 am and closed at 11.19 am)