

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>10 February 2023</b>
<b>TITLE:</b>	<b>APPLICATION FOR A PREMISES LICENCE - CONVENIENCE STORE, BROOK HOUSE</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT</b>

**1. APPLICATION RECEIVED**

- 1.1 An application is appended for a premises licence for a Convenience Store at Brook House, High Street, Llanberis LL55 4SU from Apex Choice Retail Ltd of 148 Garron Lane, South Ockendon, Romford. Essex. The applicant is seeking a premises licence for a new business venture at the property, which is currently empty. It is proposed to renovate the building for as a convenience store, selling a variety of goods including alcohol.
- 1.2 The standard proposed opening times noted to sell alcohol off the premises is from 06:00 in the morning until 23:00 every day of the week; although an intention was noted as a non-standard time to sell alcohol from the shop from 06:00 to 2:00 the following day, every day from 1 April for 6 months of the year until 30 September.
- 1.3 Licensing Authority Officers are satisfied that there is sufficient evidence that the application has been submitted in accordance with the requirements of the Licensing Act 2003, and the relevant regulations, and is therefore valid.
- 1.4 Representations and objections were received to the application and it has therefore been referred to a hearing of this Sub-committee for decision.

See the attached table for details of the proposed hours:

**Opening Hours:**

Sunday	06:00-23:00
Monday	06:00-23:00
Tuesday	06:00-23:00
Wednesday	06:00-23:00
Thursday	06:00-23:00
Friday	06:00-23:00
Saturday	06:00-23:00

**Non-standard timings - FROM 1 APRIL TO 30 SEPTEMBER EACH YEAR THE PROPOSED FINISHING TIME IS 02:00 HOURS DAILY AND UNTIL 02:00 HOURS ON BANK HOLIDAYS AND NEW YEAR'S EVE**

**Licensable Activities:**

**Late Night Refreshments: Indoors**

Provision (Hot Drinks) Takes place indoors for customers to take away.

**LATE NIGHT REFRESHMENTS SHALL ONLY BE PROVIDED BETWEEN 1 APRIL AND 30 SEPTEMBER EACH YEAR - UNTIL 02:00 HOURS AND UNTIL 02:00 HOURS ON BANK HOLIDAYS AND NEW YEAR'S EVE**

## Supply of Alcohol: Off the Premises

Sunday	06:00-23:00
Monday	06:00-23:00
Tuesday	06:00-23:00
Wednesday	06:00-23:00
Thursday	06:00-23:00
Friday	06:00-23:00
Saturday	06:00-23:00

### Non-standard timings.

FROM 1 APRIL TO 30 SEPTEMBER EACH YEAR THE PROPOSED FINISHING TIME FOR THE SALE OF ALCOHOL IS 02:00 HOURS DAILY - AND UNTIL 02:00 HOURS ON BANK HOLIDAYS AND NEW YEAR'S EVE

## 2. Measures recommended by the applicant to promote the licensing objectives

The measures recommended by the applicant include the following -

- Standard CCTV system with cameras showing inside and the area directly outside; with images retained for 28 days and provided to the Police on reasonable written request
- The CCTV system equipment will be kept in a safe place under the management of the licence holder (Apex Choice Retail LTD.) and one other person
- Staff training on selling alcohol and matters such as not selling alcohol to under aged persons and the conditions of the licence; with shop staff monitoring the area directly outside to ensure individuals do not convene and create a nuisance
- Spirits are kept under the counter
- A register of incidents of crime and disorder will be maintained
- An alcohol sale refusal policy will be operated to ensure that alcohol is not sold to persons drinking on the street, or drunk or buying for underaged persons.
- The licence holder (Apex Choice Retail LTD.) will comply with any statutory requirements in order to ensure the safety of customers and staff
- A warning to leave quietly will be displayed, and the delivery of goods will be arranged at times that do not cause a nuisance
- The shop will operate the 'Challenge 25' policy

See full details of the recommended measures in the operating schedule presented separately to the main application (see attachment)

## 3. CONSULTATION

The application was consulted upon and the following responses were received -

RESPONSES	REPRESENTATIONS
Local member	E-mail - objecting
Community Council	A letter and e-mail objecting
North Wales Police	Observations
Fire and Rescue Service	Observations

### **3.1 Representation of The Local Member**

3.2 An objection was received to the application from the local member on the grounds of the licensing objectives of

- Prevention of crime and disorder
- Public Safety
- Public Nuisance
- Protection of children from harm

3.3 Specifically, there are concerns regarding the anti-social behaviour of children and young people in the village - with a concern that a shop selling alcohol late at night would be an attraction for negative behaviour as every other licensed premises is closed in the early hours of the morning

3.4 There is concern that people would cause noise by gathering to drink outside the shop

3.5 Concern was expressed that very vulnerable people in terms of alcohol dependence are located very close to the property in a hotel that is being used as a residence for homeless people. The ability to buy alcohol for 20 hours every day for 6 months throughout the Summer would have a very negative effect on these individuals.

### **3.6 Representations of the Community Council**

3.7 An objection was received on the grounds of the licensing objectives of

- Prevention of crime and disorder
- Public Safety
- Public Nuisance

3.8 Concern was expressed regarding the standard late hours and that alcohol was on sale from 6 in the morning until 23:00 as standard hours. It was expressed that Council members were even more concerned about the additional three hours of non-standard hours.

3.9 There was concern that the late hours would encourage people to convene with an increase in anti-social incidents

3.10 It was noted that very vulnerable people were located in the homeless hotel - many of which suffered problems with alcohol and drugs dependence.

3.11 The shop is very close to the permanent residences and there is concern that people would convene under the shop veranda and cause a nuisance

### **3.12 Representations from North Wales Police**

3.13 The Police have no evidence or grounds to object to the application but questioned the intention to have extended hours for selling alcohol for half the year as non-standard timings on the application.

### **3.14 Representations of the Fire Service**

3.15 It was noted in correspondence with the applicant's agent that it had not been possible to assess compliance with the fire safety regulations provisions as it was not clear who was responsible for completing the Fire Safety Risk Assessments etc, especially considering that there was a residential dwelling above the shop. It was noted that it was not possible to give comprehensive observations due to the lack of information.

### 3.16 **Observations of a member of the public**

3.17 Objection to the application from an individual who lives nearby on the grounds of the following licensing objectives of

- Prevention of crime and disorder
- Public Safety
- Public Nuisance

3.18 Concern was expressed as recent cases of anti-social behaviour in this specific area was likely to increase with people convening outside the shop late at night. Concern that opening from 6am until 2am the following day would have a detrimental effect on vulnerable residents staying at the nearby hotel for homeless people.

3.19 It was also noted, like some of the other respondents; that there was a concern regarding parking spaces

## 4 **RECOMMENDATION**

**The Licensing Authority is of the opinion that the applicant's Agent needs to offer clarity to the Licensing Sub-committee before it can reach a decision. Should the licence be approved, this may lead to undermining the licensing objectives - specifically careful consideration should be given to -**

- **The recommended measures in the operating schedule - they had been designed to ensure there would be no negative impact bearing in mind the hours of the STANDARD licensable activities in the application. The non-standard hours requested in reality would allow alcohol to be sold for 20 hours every day for 6 months of the year; and there is a need to ensure that these additional hours do not increase the risk of undermining the licensing objectives**
- **The operating schedule proposes that the licence holder will be responsible for many of the licence conditions and control measures. The licence holder is a limited company, and it was not clear who has responsibility for ensuring compliance with the licence objectives and conditions. Clarity should be received on the managerial role of the Designated Premises Supervisor - considering that the premises would be selling alcohol for 20 hours every day throughout the summer.**
- **Respondents' comments**
- **Requirements of the Licensing Act 2003 and any relevant policies**