

# Minutes

of a meeting of the

## Licensing Acts Panel

held at 2.00 pm on Monday, 22nd October, 2012  
at the Abbey House, Abingdon



Open to the Public, including the Press

### Present:

Members: Councillor Charlotte Dickson, Dudley Hoddinott and Ron Mansfield

Officers: Sarah Commins, Kate Fisher, Susan Harbour and Alick Natton

Number of members of the public: 2

### **LAP.5 Election of a chairman**

The panel elected Councillor Charlotte Dickson as chairman for the meeting.

### **LAP.6 Declarations of interests**

None.

### **LAP.7 Procedure**

The chairman outlined the procedure which is contained within the agenda pack.

### **LAP.8 Application for a premises licence - old Post Office, 25 High Street, Abingdon**

Nigel Connor, solicitor, and Rachel Turner, area manager, were present to represent J D Wetherspoons, the applicant. Also present, in an observer role, were Rupert Stephens and Nick Piasechi, who were representatives of the landlord: London and Economic Properties Ltd.

Celia Warman, a local resident, was present to raise concerns about the application.

Kate Fisher, the licensing officer, presented her report: highlighting the major issues including the proposed opening and licensing hours and the objections raised.

Neither the Panel, nor the applicant, nor the objector had any questions for the licensing officer.

Nigel Connor, spoke on behalf of the applicant. He presented the case and highlighted some amendments which had been agreed by the applicant and which were within the officer's report.

Mr Connor explained Wetherspoon's *raison d'être* as providing an all age environment and being food led. There would be approximately 120 covers presented on permanent tables and chairs and children would be welcome, with adults, until 9.30 pm. The company sold real ale and did not run happy hour type promotions.

Abingdon on Thames Town Council had raised concerns about the sale of alcohol at 8.00 am. Mr Connor explained that this was largely to service shift workers and was a low volume of sales. He also explained that although alcohol sold was "good value", Wetherspoons pubs had good management and supervision in place.

In answer to questions from the Panel and Mrs Warman, Mr Connor made the following points.

- The nature of the business was predominately families and food.
- Wetherspoons had good management process and practices.
- There were strong control measures in place.
- There would be two managers on site at peak times.
- There was a comprehensive staff training programme.
- Wetherspoons had a good relationship with the police.
- Dispersal at the end of an evening was generally not a huge problem as there was no entertainments programme.
- Wetherspoons prided itself on community liaison and links with neighbours: businesses and residents.
- Wetherspoons was part of the Challenge 21 scheme: asking younger customers to provide identification.
- The chain use Serve Legal to test staff serving those drinkers who may look underage.
- Refusal to serve and request for ID are logged on the till and monitored.
- Wetherspoons do not serve people who appear to be overly intoxicated.
- Refusals to serve due to over intoxication are recorded on the till and monitored.
- Door staff are employed during busier periods.
- Managers are pro-active and walk the floor and check the toilets regularly.
- Wetherspoons is keen to manage any problems relating to people. hanging around outside the front of the pub and to discourage smoking on the pavement as it gives a negative image of the pub.
- Managers check the front at 30 minute intervals and sweep up butts and other litter where appropriate.
- Deliveries will be made to the rear of the pub in the existing service area, which is where refuse will be stored.
- CCTV will be used in all customer areas and at the front and rear of the building.
- The smoking area is currently undecided and Wetherspoons will amend their application when this has been decided: the area originally intended for this purpose is too substantially enclosed to be acceptable to environmental health.
- Across the portfolio of similar pubs, very few people come to drink alcohol and have a meal between 8.00 and 11.00, however about 2000 coffees are sold per week.

- If the licence is agreed and Wetherspoons do not manage the pub as outlined, or break conditions, the licence can be reviewed, but they prefer to enter into dialogue prior to such a situation occurring.

Alick Natton, environmental health officer, confirmed that all conditions had been agreed with the applicant, but that the issue of a suitable outdoor smoking area still remained unresolved and would need to be subject to an amended application.

Mrs Warman chose not to make a presentation but had outstanding concerns about the impact of delivery lorries on the local area. She was informed that the planning restrictions relating to this application were restrictive in terms of vehicular access to the site.

The chairman offered the parties an opportunity to sum up, but all felt content with their original submissions.

All parties confirmed, when asked, that they had had a fair hearing.

The parties left the hearing and the panel deliberated in closed session. They were advised by Sarah Commins, Litigation and Planning Lawyer and Susan Harbour, Democratic Services Officer.

After agreeing a decision, the parties were reconvened, and the chairman read the decision to the parties. The signed decision notice is attached to these minutes.

The meeting closed at 3.30 pm

## **Decision Notice**



### **Licensing Act 2003**

### **Decision of the Council's Licensing Acts Panel held on 22 October 2012 in respect of an application for a premises licence for The Old Post Office, 25 High Street, Abingdon**

05 November 2012

#### **Reason for Hearing**

To determine the application for a premises licence for The Old Post Office, 25 High Street, and Abingdon made under section 18 of the Licensing Act 2003, ("the Act").

#### **Evidence**

The panel considered the licensing officer's report and accompanying documentation, including representations from a local resident, two local District councillors, Thames Valley Police, the council's Environmental Protection team, and heard submissions from the licensing officer, an environmental protection officer, a local resident and the applicant's legal representative and area manager.

#### **Decision**

To grant the application as applied for, subject to the following additional conditions requested by Thames Valley Police and accepted by the applicant:

1. The premises licence holder will erect signage adjacent to the front entrance to the premises requesting that customers smoke in the dedicated smoking area at the rear of the premises.
2. A minimum of two door supervisors individually registered by the SIA will be employed at the premises from 21.00 to 01.00 on every Friday and Saturday evening. In addition to this requirement, the premises licence holder will risk assess the need for door supervisors at all times when the premises is open to the public and employ such door supervisors at such times and in such numbers as deemed necessary by the risk assessment.

And the following additional conditions requested by the council's environmental protection team:

1. There shall be no consumption of food or drink in any external areas of the premises after 22.00
2. There shall be no external heating in any external areas of the premises

### Reasons for the decision

The panel considered the representations by all parties, the relevant provisions of the Act, the Secretary of State's guidance issued under section 182 of the Act, and the council's licensing policy.

The panel took into account the written representations of the local councillors and other interested parties. This included concerns about the timing of alcohol sales and the potential for crime and disorder and public nuisance but considered that the conditions proposed by Thames Valley Police and the council's Environmental Protection team and the measures proposed by the applicant, were sufficient to address these concerns. The panel took into account the responsible attitude demonstrated by the applicant and their wide range of experience of running 863 premises nationwide in a variety of different locations. It acknowledged that the applicant is seeking to attract a broad customer base and took into account their willingness to accept conditions proposed by Thames Valley Police and the council's Environmental Protection team. It also took into account the comprehensive management regime designed to provide suitable controls on the sale of alcohol and to provide extensive tailored training for staff with the intention of meeting all four of the licensing objectives. The panel was satisfied that granting the licence subject to the conditions would not undermine any of the four licensing objectives.

### Informatives

1. If any party wishes to obtain a copy of the minutes of the panel meeting, they can do so by contacting Susan Harbour, Democratic Services Officer, telephone 01235 540306.
2. Any party may appeal against the panel's decision (under section 206 of the Act). Any appeal must be to the Magistrates' Court within 21 days of the date of this decision notice.

Signed by Panel Chairman Councillor..........(Charlotte Dickson)

Date 5/11/2012.....