

NUNEATON AND BEDWORTH BOROUGH COUNCIL RECORD OF HEARING

1. APPLICANT

Name	Establishment
Vijayakumari Balakumaran On behalf of OIslans I Limited	Sri Balaji SVC STN-Smorrall Lane 259 Smorrall Lane Bedworth CV12 0LK

APPLICANT'S REPRESENTATIVE

Naga Rajesh - Agent

2.

Naga Rajesh joined via teams. Meeting recorded but not live streamed as facility not available.

3. RESPONSIBLE AUTHORITIES

Name	Service
None – no objections/representations received from the responsible authorities.	

4. INTERESTED PARTIES

Name	Address
	

5. INTERESTED PARTIES REPRESENTATIVE



6. COMMITTEE PANEL

Cllrs G Moreton, M Tromans and R Tromans

Chaired by: Cllr R Tromans

7. HEARING CLERK

Amy Pittam – Solicitor
Democracy & Governance

NBBC Reps:
Ricky Casserly
Amrit Brar

8. NATURE OF THE APPLICATION

Application for a New Premises Licence under Section 17 of the Licensing Act 2003.

9. Outline of Applicants Case

The Applicants have a number of premises licences with the majority having 24 hours licences. They have years of experience with a good track record. They employ local residents with good local knowledge.

The Applicant spoke to immediate residents prior to making this application and received overwhelming support. Currently the area is dark after hours. The local shop already there is not in a good state and believe residents would like to have a shop with 24 hour licence. The Applicant is making huge financial to overhaul the premises and want a safer environment for everyone.

The Applicant has included a number of steps they will take to meet the licensing objectives in the operating schedule:

1. Prevention of crime and disorder: CCTV, lighting systems, recording, alcohol will not be served in plastic or containers, beer/cider will not be served as a single can, not serve super strength beer/cider
2. Public safety – fire safety, clear signage
3. Public nuisance – bins on forecourt, no deliveries between 11pm and 5am
4. Protection of children - challenge 25 policy, staff training, till prompt for ID check

Considered representation and not wishing to undermine the objectors concerns. Reiterated that this is a petrol station with a small convenient store. Contends

that the lighting will have a positive impact together with the CCTV resulting in an extra pair of eyes 24/7. Regarding the noise concern, contend that this is on a roundabout and no deliveries between 11pm and 5am. There is a tannoy system which can be used if needs be and sound level can be edited.

Objection raised regarding competition is not a valid objection. Already licence venues in the vicinity and an extra one will not increase alcohol consumption.

Concerns regarding the petition: how can the covering letter be linked to the petition and how can we know this is linked to the application. No confirmation that this was signed during the consultation period. Some of the addresses are not near to the premises and contend this is a frivolous act.

No evidence of crime and disorder and no evidence from police or environmental health to support their representations.

The application is not setting a precedent as there are other petrol stations nearby which operate 24 hours (0.5 miles away and 1.5 miles away).

Should any issues arise Applicant would seek to be informed so they can take action or a review could be raised.

Contend would be unfair to refuse licence without any evidence to support.

Applicant Witness:

██████████ and has been extremely happy with communication and approach by Applicant to ensure that not affected.

10. Summary of Questions to Applicant

Sub Committee Q's:

Will main doors be closed or open throughout the night?

A – keep doors open to reduce potential issues outside. Applicant open to using a night hatch if necessary.

In respect of training, what measures will be taken to signpost individuals who arrive that are intoxicated?

A – Standard training procedure, tailor made one for local area. Chief Operating Officer confirmed and expect staff to recognise vulnerable individuals

Will they be looking to sell miniatures?

A - Chief Operator Officer does not want to attract people who are vulnerable and will not be selling miniatures. Work closely with police. Applicant spent £100,000 to add vapour control to ensure no fumes from petrol to neighbours.

Will they put up signs to ask people to be respectful of being in a residential neighbourhood?

A – Yes.

Interested parties Q's:

██████████ – Concerned about shooting, a lot of other trouble such as drug dealing, bringing further trouble community at night.

A – cannot link to trouble to local businesses without evidence and no evidence provided by the Police. The additional lighting would give some support to issues that have been happening in darkness.

██████████ – Concerned about people sitting on her wall and car door noise which she can already hear. Concerned about people she already hears coming from the club or out of a taxi. Incidents happen at night when it is dark.

██████████ – off licence behind the off licence and content that he knows the clientele, can the Applicant say the same? Does the agent know the area well as no roundabout and it is a main road?

A. Does not know the area well but met Applicant and some residents at the premises and there is a roundabout junction next to it.

Questions to Applicant Witness:

██████████ – Would Witness have impact after works completed as forecourt is on a different side?

A – lives 4 yards away, objectives live 40 yards away

11. Outline of Responsible Authorities' Case

N/A

12. Summary of Questions to Responsible Authorities

N/A

13. Outline of Interested Parties' Case

██████████ – There has been a shooting and 3 machete attacks in the jitty. There are known drug users/dealers in the immediate area. She personally had car window broken in early hours of morning. There was a caravan set on fire and 2 stolen vehicles abandoned in the area. She does not want to bring any more youths to the area at night. Believes tools stolen from premises site overnight.

██████████ – Agent does not know the area or the problems that exist. Agreeable to selling alcohol but not at night. Concerned this will be the area that dealers meet and police will not attend as they will say they are filling up with petrol.

Interested Party Witness:

Does not have any physical area but concerned about potential ASB issues. Feels that people will go there when other shops are closed or people being dropped there on the way back from a nightclub. No objection to selling alcohol but not 24 hours.

14. Summary of Questions to Interested Parties

Q. To [REDACTED] – in past 12 months have you had any incidents in your shop, if yes, can you explain the nature?

A. No incidents in the last 12 months.

Q. Apart from mandatory conditions, does [REDACTED] have any other conditions on his premises licence?

A. No.

Q. Signature of 300+ petition, how many of them are here today?

A. One.

15. Summing Up

Interested parties:

[REDACTED] – Concerned if only 1 member of staff as police unlikely to attend.

[REDACTED] – no objection to licence in the day but feels that the night time will be a problem. Has witness drug dealing under lampposts. Will not affect Applicant's Witness so feels this is irrelevant. Concerned that Applicant has not spoken to them in the same way. Feels there is too much crime in this area to allow application.

Applicant:

Premises is already open for 24 hours so it is merely adding the alcohol element. Requested that not treated like a pub/nightclub. Incidents raised during representations took place when the current premises were not there and all under darkness. Feels that the lighting, CCTV and 24 hours monitoring will deter trouble/problems. The CCTV can record sound as well.

No representations from the responsible authorities and there is a willingness from the Applicant to support safety and concern of the neighbourhood. Very rare to have supporting statement. Does not feel a valid petition has been issued. There is no evidence to say why this application should not be granted.

16. Decision

Application granted subject to the following conditions:

- Signage to cover respectful behaviour, remove face coverings at petrol station
- Restriction of selling super strength cider/beer, single units and miniatures
- CCTV to be of appropriate British standard

17. Reason

In coming to its decision, the Sub-Committee had regard to the oral and written submissions received from the Applicant and the Interested Parties including the petition, the Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State and feels that there is not sufficient expectation to believe that if the application was approved, there would be a cumulative impact on the area resulting in unacceptable anti social behaviour or public nuisance which would undermine the licensing objectives.

There was a void of representations from responsible authorities to support any resident concerns and considered that the evidence of the steps to be taken to comply with the objectives was adequate.

There is a robust enforcement procedure for licensing complaints and there will be an ongoing responsibility to support all licensing objectives with the option of calling for a licence review.