



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT: Mr Rajanayagam Janagan

PREMISES: No. 39 Medway Drive, Farnborough

DATE OF HEARING: 22nd August, 2023

MEMBERS SITTING: Cllrs P.J. Cullum, S Trusler and
Jacqui Vosper (Chairman)

DECISION

To grant the licence subject to additional conditions.

REASONS

1. This is an application for the grant of a premises licence in respect of 39 Medway Drive, Farnborough (the Premises). The Premises is currently a convenience store and newsagent. The application seeks authorisation for the sale by retail of alcohol between 06:00 and 23:00 every day of the week.
2. There were two relevant representations from members of the public who objected to the application. Neither objector attended the hearing. No responsible authority submitted a representation.
3. In making its decision, the Sub-Committee has considered carefully Rushmoor Borough Council's Statement of Licensing Policy, the Home's Office's statutory guidance, the contents of the reports pack and the evidence presented and submissions made at the hearing. Having taken all of this into account, the Sub-Committee's decision is to grant a premises licence subject to additional conditions for the following reasons.
4. The Applicant explained that he has around 10 years of experience in the retail trade and has previously managed other licensed premises, including two 24-hour licensed premises. He stated, and the Sub-Committee accept, that he has run those businesses without issue. The Applicant appeared to the Sub-Committee to be an experienced and competent operator who can be trusted to run the Premises in a way which promotes the licensing objectives.
5. Mr Mikos, the current and longstanding proprietor of the Premises, explained that he had never experienced any problems of anti-social behaviour in 47 years, despite the presence of other licensed businesses which currently and historically have neighboured the Premises. The Sub-Committee wanted to thank Mr Mikos for his service to the community and to wish him a happy retirement.
6. The Applicant highlighted that the Premises would be extensively covered by CCTV and that the rear of the Premises would also be covered by CCTV. The Sub-Committee consider this will be an important measure in preventing crime and disorder. The Applicant also pointed to other licensed premises nearby, such as the Co-Op and Fernhill Food and Wine, which are licensed until 11/11.30pm. There was no evidence before the Sub-Committee to suggest that these operating hours had

caused any problems for the community.

7. The Licensing Manager proposed a number of additional conditions, drawn from the Council's pool of model conditions. The Applicant agreed to these conditions being added to the licence and the Sub-Committee considers that the addition of these conditions would be appropriate for the promotion of the licensing objectives. The Sub-Committee notes the Applicant's offer to ensure that all members of staff will have a personal licence. While the Sub-Committee welcomes this proposal – which sets an admirable example for first class operating – it does not consider it necessary to include this as a condition on the licence.
8. Taking all of these factors into account, the Sub-Committee has concluded that the sale of alcohol from the Premises can and will be done responsibly and in a way that does not cause problems for the local community, contrary to what was suggested in the two representations from members of the public. Therefore, subject to the additional conditions, it is appropriate for the promotion of the licensing objectives to grant the premises licence.
9. There is a right of appeal against this decision. Any appeal must be brought within 21 days of the date on which the decision notice is received.

OTHER CONDITIONS

(New, amended and deleted conditions consistent with the operating schedule)

Add the following conditions:

- 1) A suitable and sufficient CCTV camera system linked to a suitable recording facility, which is able to cope with the levels of illumination in all areas of the premises including the external areas, shall, so far as is reasonably practicable, be operational at the premises during any period in which licensable activities are permitted.
 - i) The CCTV system shall incorporate cameras covering internal and external areas of the premises, including the rear of the premises, entrance/exit and store room.
 - ii) So far as is reasonably practicable, the CCTV system must be maintained in good working order at all times.
 - iii) CCTV recordings and footage must be retained for a minimum period of 31 (thirty one) days and must be made available for review by the Police upon request (subject to the requirements of the Data Protection legislation in force at the time).

- iv) All CCTV recorded images / footage and copies thereof shall, so far as is reasonably practicable, display the correct time and date of each recording.
 - v) Suitable and sufficient warning signs shall be displayed in the public areas of the premises advising that CCTV is in operation at the premises.
 - vi) A competent person conversant with the operation and retrieval of information contained in the CCTV system / footage shall be available to provide immediate copies of footage to the Police on request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enable on the disc to allow playback.
- 2) i) Anyone authorised to sell alcohol at the premises shall (before being permitted to make sales of alcohol) be suitably trained in respect of the following matters to a level commensurate with their duties and responsibilities:-
- (a) the refusal of the sale of alcohol to those who appear intoxicated and how to recognise them; and
 - (b) the appropriate precautions to prevent the sale of alcohol to persons under the age of 18.
- ii) Refresher training shall take place at least every three months.
- iii) Written records of such training shall be produced and be signed and dated by the member of staff receiving the training. They shall be kept on the premises to which they relate for a minimum of two years and be made available to the responsible authorities immediately on request.
- 3) i) Anyone authorised to sell or supply alcohol at the premises shall request and ensure sight of suitable identification, for proof of age, of any person appearing to them to be under the age of 25 (twenty-five) and who is attempting to purchase alcohol.
- ii) For the purposes of this condition, suitable identification is photo driving licence, passport or any other photographic identification bearing the 'PASS' logo and the person's date of birth.
- iii) Further to the above, anyone authorised to sell or supply alcohol at the premises shall be instructed that no sale of

alcohol shall be made unless suitable identification, for proof of age, can be provided.

- iv) Suitable and sufficient warning signs shall be displayed in the premises providing information in respect of the above Challenge 25 policy and the request for suitable identification in connection thereof.
- 4) Spirits shall be located behind the main point of sale counter in an area accessible only to staff.