
PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'

10 OCTOBER 2011

Present:- Councillors Platt (Chairman) and De-Vaux Balbirnie.

Substitute Member:- Councillor Skeels (for Councillor Fawcett).

Stand-By Member:- Councillor Pugh.

In Attendance:- Streets and Seafronts Manager, Solicitor (WRR), Licensing Officer (ACT), Senior Democratic Services Officer, Democratic Services Officer (JCN), Assistant Licensing Officer.

(10.00 a.m. – 10.33 a.m.)

1. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Fawcett.

2. MINUTES

The minutes of the meeting of the Sub-Committee held on 4 April 2011 were approved as a correct record and signed by the Chairman.

3. LICENSING ACT 2003 – APPLICATION NO. 11/00709/PREMVA – VARIATION OF A PREMISES LICENCE – CONVENIENCE STORE, 1-5, GOLF GREEN ROAD, JAYWICK

The Sub-Committee had before it for their consideration an application that had been submitted by Convenience Store Clacton Limited for the variation of the Premises Licence held in respect of the above premises.

The Chairman welcomed all those persons present to the meeting and outlined the procedure that would be followed during the hearing.

Members were made aware of the details of the current licensable activities, the variations of the activity applied for and the steps that the applicant proposed to take to promote the Licensing Objectives, as set out in the application, and as summarised in Sections 4.0, 5.0 and 6.0, respectively, of item A.1 of the Report of the Head of Customer Services.

The Sub-Committee was informed that the application had been advertised by the display of a notice on the premises and in the local press.

Members were made aware that Essex Police have had discussions with the applicant and have agreed the following conditions, which would be attached to the Licence (if the application was approved):-

- (i) A formal "Challenge 25" scheme shall be adopted of which any person who appears to be under the age of 25 years shall have to establish that they are over the age of 18 years by an approved ID system (Passport, Full Driving Licence, or other photo ID formally approved by Essex Trading Standards).
- (ii) The Licence Holder/Designated Premises Supervisor (DPS) will keep a refusal/incident book to record all refusals or persons challenged for ID in relation to the sales of alcohol. This record will be made available to the Police/Local Authority on demand.

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- (iii) No sales of any alcohol to be made to any person at any time who is drunk or who appears to be drunk.
 - (iv) At least two staff members, full or part-time who work at the point of sale to take and pass an approved (BII or similar body including Trading Standards) Personal Licence Holders Course prior to them being allowed to sell alcohol.

Only one staff member is required, as the store will only be serving through the hatch, between the hours of 23.00 – 06.00.
 - (v) A Personal Licence Holder to be on duty at the alcohol point of sales at all times from 23.00 to 06.00 hours the following day.
 - (vi) All staff involved in the sale of alcohol to have a good understanding of the English Language.
 - (vii) Good quality CCTV of a type approved by the Local Authority be installed, which covers all parts of the shop to which the public have access and include the area immediately outside the premises entrance. The images to be retained for 28 days minimum and made available on demand to the Police and Licensing Authority. The lighting level in the shop will be such that the CCTV operates at the best possible level.
 - (viii) The DPS/Licence Holder will take all reasonable steps to prevent youths and groups of adult persons gathering outside the immediate front of the premises.

It was reported that a letter of representation had been received from Mr and Mrs Flanagan on the grounds of Public Nuisance. This letter had been given to the applicant.

The Sub-Committee was advised that the applicant and the objectors had been invited to attend the meeting to put their respective cases.

It was drawn to the Sub-Committee's attention that Mr and Mrs Flanagan were not present at the Hearing and Members were therefore requested to decide whether to proceed to hear the case in their absence or to defer the matter to another day to enable Mr and Mrs Flanagan to attend.

In the light of the above it was thereupon moved by Councillor De-Vaux Balbirnie, seconded by Councillor Skeels and:-

RESOLVED – That the case be heard in the absence of Mr and Mrs Flanagan but that their representations be considered in accordance with Section 20(3) of the Licensing Act 2003 (Hearings) Regulations 2005.

Ms Gill Sherratt, on behalf of the applicant, addressed the Sub-Committee in support of the application. Mrs Patel, the wife of the applicant, was also present to answer any questions that may be asked by Members.

As there were no questions from Members;

It was moved by Councillor De Vaux Balbirnie, seconded by Councillor Skeels and:-

RESOLVED - That the public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972 during the period when the Sub-Committee will be deliberating and considering its decision on the grounds that such deliberations involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

Members thereupon retired to deliberate and consider their decision. The Solicitor was asked to retire with them to advise on the legal position.

Following such deliberations the public were re-admitted to the meeting. The Solicitor confirmed that he had given no specific legal advice to Members during their retirement.

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Caines and:-

RESOLVED – That the decision of the Sub-Committee is as follows:-

“Careful consideration has been given to this application. In reaching our decision, we have taken into account the views expressed by the applicant, the Police, the representation received, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority’s own Statement of Licensing Policy.

The decision of the Sub-Committee is to grant this application in full.

The decision will be confirmed in writing to all parties and they will also be informed that they have a right of appeal to the Magistrates’ Court within a period of 21 days beginning with the date the applicant is notified of the decision by notice.”

Chairman