

PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'A'8 DECEMBER 2011

Present:- Councillors Downing (Chairman), Casey and Powell

Stand-By Member:- Councillor G L Mitchell.

In Attendance:- Streets and Seafronts Manager, Solicitor (WRR), Licensing Officer (AT) (item 8 only), Democratic Services Officer (ER), Assistant Licensing Officer.

(10.00 a.m. – 10.47 a.m.
and following an adjournment
11.00 a.m. – 11.25 a.m.)

6. MINUTES

The minutes of the meeting of the Sub-Committee held on 30 September 2011 were approved as a correct record and signed by the Chairman.

7. LICENSING ACT 2003 – APPLICATION NO. 11/00840/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE HOY BAR AND RESTAURANT, 4 CLACTON ROAD, ST OSYTH

The Sub-Committee had before it for their consideration an application that had been submitted by Mr Neil Young for the grant of a Premises Licence 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 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 and 5.0, respectively, of item A.1 of the Report of the Head of Customer Services.

It was reported that a letter of representation had been received from the Department of Public Experience on the grounds of public nuisance however this had been withdrawn.

One letter of representation had been received from St Osyth Parish Council and two letters of representations have been received from local residents on the grounds of public nuisance. One letter of support had been received from a local resident.

The Sub-Committee was advised that the objectors had been invited to the meeting but had not attended. The members of the Sub-Committee thereupon resolved to hear the application in the absence of the objectors.

Mr Young spoke in support of his application and answered questions from the Sub-Committee.

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 Casey, seconded by Councillor Powell and:-

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

Having given careful consideration to the application and having had regard to the views expressed on behalf of the applicant and the representations made, together 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 the 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.

8. LICENSING ACT 2003 – APPLICATION NO. 11/00876/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 139 OLD ROAD, CLACTON ON SEA

The Sub-Committee had before it for their consideration an application that had been submitted by Mr Pathik Pandya for the grant of a Premises Licence in respect of the above premises.

The Chairman outlined the procedure that would be followed during the hearing.

Members were made aware of the details 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 and 5.0, respectively, of item A.2 of the Report of the Head of Customer Services.

It was reported that two letters of representation had been received from local residents in the form of petitions on the grounds of public nuisance.

The Sub-Committee was advised that the objectors had been invited to the meeting but had not attended. The members of the Sub-Committee thereupon resolved to hear the application in the absence of the objectors.

Mr Pandya spoke in support of the application and answered questions from the Sub-Committee.

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 Powell, seconded by Councillor Casey and:-

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

Having given careful consideration to the application and having had regard to the views expressed on behalf of the applicant and the representations made, together 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 the 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