
MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'A'**HELD ON 12 MAY AT 2.00 P.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors Colbourne (Chairman), Casey and Powell**Stand-by Member:** Councillor Mitchell**In Attendance:** Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath) and Senior Democratic Services Officer (Ian Ford)**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

2. MINUTES

The minutes of the meeting of the Sub-Committee held on 19 March 2013 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none.

4. LICENSING ACT 2003 – APPLICATION NO: 14/00159/PREMVA - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – WRABNESS COMMUNITY SHOP, BLACKBOY LANE, WRABNESS

The Chairman welcomed all those persons present to the meeting and introduced the Sub-Committee members.

The Sub-Committee had before it for its consideration, an application that had been submitted by Mr Tony Elliston, Secretary of the Industrial and Provident Society that owned the Community Shop, for the variation of the Premises Licence held in respect of the premises.

The Council's Licensing Manager briefed the Sub-Committee on the application being considered and summarised the salient points of the application and also drew the Sub-Committee's attention to the relevant parts of the Council's Statement of Licensing Policy in respect being considered.

He also advised the Sub-Committee that three letters of representation against the application on the grounds of public nuisance had been received from Mr Dayman, Mrs Morsley and Mrs Marsh. It was also reported that one letter of support had been received from Doctor Lunn and that Essex Police had not objected to the application.

Members were made aware of the details of the current licensable activities, the licensable activities being applied for and the steps that the Applicant proposed to take to promote the Licensing Objectives within their operating schedule, as set out in the application, and as summarised in Sections 3.1, 3.2, 4.0 and 6.0 of item A.1 in the Report of the Corporate Director (Public Experience).

Mr Elliston spoke in support of the application with opening remarks, referring to the application and outlining the history of the community shop and the fact that many local residents were members of the Society. He stressed that the community shop was there to be a community asset on a small scale not an intensively run business and that it was

to be a meeting place not a replacement public house. In respect of the objectors' concerns about parking and noise disturbance he stated that agreements were being reached with NCP and the Railway Company to significantly increase the number of parking spaces available to shop customers in the vicinity of Wrabness Railway Station. He stated that he would be happy to try to encourage people not to park in Black Boy Lane but at the other side of the premises and that he would similarly encourage smokers to move away from the front of the premises. He also gave assurances that he would take all possible steps to alleviate any problem noise or disturbance.

Mrs Marsh then spoke as an objector, setting out that she objected to the application as her property was in close proximity to the shop and that she was concerned that activity, such as smoking, outside the café bar area would cause her disturbance.

Mrs Morsley then spoke as an objector, setting out that she objected to the application as her property was in close proximity to the shop and that she was concerned that the consumption of alcohol and smoking, outside the shop late at night would cause a noise disturbance to her.

Mr Tony Eaton, attending on behalf of Mr Dayman, an objector, set out that Mr Dayman had objected to the application as the shop was very close to his ground floor bedroom window and that he was concerned that any outdoor activity, such as smoking, outside the shop late at night would cause disturbance to him.

Councillor Powell asked questions of Mr Elliston in respect of: (1) whether parties would be held at the premises; (2) what kind of food would be served; (3) whether music would be played at the premises; (4) what was there before the shop; (5) how many customers could be seated outside; and (6) was there a public house in the village.

Mr Elliston replied to those questions along the following lines: (1) No – just occasional “taster” evenings for locally produced food and book clubs; (2) cold food only, such as sandwiches, paninis, salads and cakes prepared by volunteers; (3) background music only; (4) from 1970s, a four bedroom bungalow, prior to that it was the village shop; (5) eight customers; and (6) No.

Councillor Casey then asked questions of Mr Elliston in respect of: (1) had the volunteer staff been trained; and (2) how many people were members of the Society.

Mr Elliston replied to those questions along the following lines: (1) Yes; and (2) 180 (local residents and chalet owners on Wrabness Foreshore).

Councillor Colbourne then asked questions of Mr Elliston in respect of: (1) was the local village hall still being used; and (2) why was there only one letter of support for the application.

Mr Elliston replied to those questions along the following lines: (1) Yes; and (2) many persons who had supported the planning application for the premises had also included supportive comments for the licensing application. Some may have confused the two in trying to find the licensing application on the Council's website.

Councillor Powell then asked and received details of the locations of the objectors' homes in relation to the premises and asked if there was ever any noise and disturbance related to the village hall to which the objectors' response was No, but they thought people near to the hall had some problems.

Councillor Casey then asked the objectors if there had ever been any problems at the premises that had required Essex Police to attend, to which the response was No.

The Sub-Committee then:

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 would be deliberating and considering its decision on the grounds that such deliberations involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

Members of the Sub-Committee then withdrew from the meeting to deliberate and consider its decision. The Solicitor and Senior Democratic Services Officer were asked to accompany Members to advise on any legal points raised and to record the decision.

Following such deliberations, members of the public were readmitted to the meeting. It was reported that the Solicitor had given no specific legal advice to the Sub-Committee during its deliberations.

It was moved by Councillor Powell, seconded by Councillor Colbourne and:

RESOLVED that the decision of the Sub-Committee be as follows:

“The Sub Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the applicant, the representations received from local residents and the letter of support 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 partially grant this application.

The variation application in respect of the licensable activity of the sale of alcohol on and off the premises is agreed in that the sale of alcohol on and off the premises will be permitted on:-

Mondays to Wednesdays – 09.00 to 18.00
Thursdays to Saturdays – 09.00 to 21.00
Sundays – 09.00 to 20.00

The Sub-Committee deem this to be proportionate and necessary to promote the Prevention of Public Nuisance licensing objective of the Licensing Act 2003.

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.”

5. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 3.56 p.m.

Chairman