

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'**HELD ON 9 JUNE 2014 AT 2.00 P.M. IN THE COUNCIL CHAMBER, WEELEY**

Present: Councillors Mitchell (Chairman), Pugh and Sambridge.

Stand-by Member: Councillor De-Vaux Balbirnie MBE.

Also Present: Councillor Casey.

In Attendance: Monitoring Officer (Lisa Hastings), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath), Licensing Assistant (Michael Cook), Democratic Services Officer (Janey Nice) and Democratic Services Officer (Michael Pingram).

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Shearing (with Councillor Pugh substituting).

2. MINUTES

It was moved by Councillor Sambridge and seconded by Councillor Pugh that the minutes of the meeting of the Sub-Committee held on 4 September 2013 be signed as a true record, with the exception, as notified by the Monitoring Officer, that Councillor D Oxley had requested that it be noted that he had objected to the content of the minutes as he had no recollection of moving the resolution in Minute 4.

Councillor Sambridge also requested that it be recorded that she had given the Officer a note indicating that she had a potential personal interest by virtue of the fact that the applicant was renting business premises from a relative of hers but that she had been informed that she did not need to declare that interest.

3. DECLARATIONS OF INTEREST

Councillor Sambridge stated that whilst she had been advised that she did not have to declare an interest, she would like it recorded that the applicant was currently renting business premises, not the premises the subject of this application, from a relative of hers. *The Monitoring Officer left the meeting following consideration of the above matter.*

4. LICENSING ACT 2003 – APPLICATION NO: 14/00252/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENSE – JAYWICK OFF LICENSE, 6 BELSIZE AVENUE, JAYWICK

The Chairman welcomed all persons present to the meeting, introduced the Committee members and outlined the procedure that would be followed during the hearing.

The Sub-Committee had before it for 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 Council's Licensing Manager advised the Sub-Committee that although a letter of objection had been received with a petition, none of the objectors had indicated they would be attending and none were present before going on to make the Sub-Committee aware of the details of the licensable activities 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 3.0 and 4.0, of item A.1 in the Report of the Corporate Director (Public Experience).

It was reported that one relevant representation had been received from a local resident in the form of a letter with an accompanying petition which objected to the application submitted. The reason cited for the objection was on the grounds of public nuisance.

Members were advised that only the first page of the petition could be considered as a relevant representation under the Licensing Act 2003 as this was the only page that had a statement as a heading at the top of the page which clearly explained and defined what the signatories were supporting. Legal advice had previously been sought on this matter which confirmed that only the first page of the petition should be considered by the Premises/Personal Licences Sub-Committee or given any appropriate weight by the Sub-Committee.

Mr David Davies, who introduced himself to the Sub-Committee as a Licensing Consultant, spoke on behalf of the applicant. Mr Pathik Pandya who also spoke in support of his application; both answered questions from members of the Sub-Committee in relation to the layout of the premises; the proximity of any other store selling alcohol by off sales; and also how his staff would deal with the question of verifying the age of a young person purchasing alcohol, which Mr Pandya advised would be through the use of the Challenge 25 procedure, and that this was "best practice" he used throughout his stores. Councillor Sambridge asked Mr Pandya whether he would support the Council's initiative not to sell super strength alcohol at cheap prices from the Jaywick Off License, and he confirmed that he did support the initiative and had signed up to it in his other shops in Clacton. Mr Davies then summed up the application, noting that other than an objection on the grounds of public nuisance, no other objections had been made, and that Mr Pandya had explained how the issues raised by the objection would be dealt with before further confirming how the Licensing Objectives would be met.

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 of the Act.

Members withdrew from the meeting to deliberate and consider their decision. The Solicitor and Democratic Services Officers were asked to accompany them to advise on any legal points raised and to record the decision.

Following such deliberations the public were re-admitted to the meeting. It was reported that the Solicitor had given general advice that the Committee had to bear in mind that in considering any application for a licence they should promote the four licensing objectives, but that no specific legal advice had been given to Members during their deliberations.

It was moved by Councillor Mitchell, seconded by Councillor Sambridge 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 representation received from other parties 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."

5. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 10.43 a.m.

Chairman