

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'**HELD ON 20 JUNE 2014 AT 10.05 A.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors Caines, Powell and Sambridge (Items 6-9 only).**Stand-by Member:** Councillor Pugh (stood-in for Councillor Sambridge for Items 10 and 11).**Also Present:** Councillors Calver, Colbourne, McLeod, Mitchell and Sambridge (Items 10 and 11 only).**In Attendance:** Licensing Manager (Simon Harvey), Solicitor (Linda Trembath), Licensing Assistant (Michael Cook), Democratic Services Officer (Janey Nice) and Democratic Services Officer (Michael Pingram).**6. ELECTION OF CHAIRMAN FOR THIS MEETING**

In the absence of the Chairman of the Committee (Councillor Mitchell), it was moved by Councillor Caines, seconded by Councillor Sambridge and **RESOLVED** that Councillor Powell be elected to the Chair for the duration of this meeting.

7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Mitchell (with Councillor Powell substituting) and Councillor Shearing (with Councillor Caines substituting).

8. MINUTES

It was moved by Councillor Sambridge, seconded by Councillor Pugh and **RESOLVED** that the minutes of the meeting of the Sub-Committee held on 9 June 2014 be signed as a true record.

9. DECLARATIONS OF INTEREST

Councillor Sambridge announced that she would, at this time, declare a non-pecuniary interest in respect of application number 14/00251/PREMGR as she was personally known to Mr Ron Cross, the agent for the applicant. She therefore stood down from the Sub-Committee and retired to the public gallery.

The stand-by Member, Councillor Pugh, thereupon took Councillor Sambridge's seat on the Sub-Committee for this hearing.

10. LICENSING ACT 2003 – APPLICATION NO: 14/00251/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENSE – DEANO'S WINE BAR, 158 HIGH STREET, DOVERCOURT

The Chairman welcomed all persons present to the meeting, introduced the Sub-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 Mrs Sonya McCready, for the grant of a Premises Licence in respect of the above premises.

The Council's Licensing Manager explained to the Sub-Committee that the Licensing Authority had to be notified within a statutory time limit if an applicant was to be represented at a hearing and because those Regulations had not been met on this occasion it was at the Chairman's discretion whether to allow Mr Cross to represent the

applicant. Following discussions by the Sub-Committee it was agreed that Mr Cross would be allowed to represent the applicant.

The Council's Licensing Manager then advised the Sub-Committee that two relevant letters of representation had been received from interested parties which were from Councillor Calver in his capacity as the local Ward Member for the area and from the Harwich Town Council. The Sub-Committee was advised that the Harwich Town Council had elected Councillor Calver to represent them and speak on their behalf at the hearing. The reason cited for the objections was on the grounds of public nuisance. He also stated that a third representation had been received but had been refused by the Licensing Authority as it had fallen outside of the statutory 28 day period for submission of representations. The Sub-Committee were also advised that the applicant had sought the necessary Planning permission for the premises; that the opening hours of the application had been revised by the applicant, as had the uses of parts of the premises; that the Police had proposed a number of other conditions they would want attached to the grant of any license, and that it was understood these conditions had been agreed by the applicant. The Licensing Manager asked if the applicant or their representative would confirm their agreement to the license conditions requested by the police at the hearing.

Mr Ron Cross, the agent on behalf of the applicant, spoke in support of the application and stated that the applicant had previously had similar premises for a number of years with no complaints; that neighbouring businesses supported the application as it was a chance to rejuvenate the area following the recession; and in response to objections of public nuisance the applicant had introduced an outside area of seating at the front of the premises in order to avoid disturbance to local residents.

Following a request for additional copies of the new proposed location plan to be printed and circulated to the Sub-Committee, the meeting was adjourned between 10.30 a.m. and 10.47 a.m.

Councillor Powell then asked questions of Mr Cross in respect of: (1) whether there would be car parking facilities; (2) how many people could the premises hold; (3) how many tables would be in the forecourt area; (4) who would run the premises in Mrs McCready's absence; and (5) would the provision of door staff be necessary.

Mr Cross replied to those questions along the following lines: (1) there was no designated parking area; (2) 40-50 people maximum; (3) no definitive amount had been agreed yet as the plans were a rough guide; (4) Mrs McCready's husband and children would deputise and her daughter also had a Personal License; and (5) not until such time it was proved to be necessary.

Councillor Caines then asked questions of Mr Cross in respect of: (1) what lighting would be provided in the forecourt after the street lighting was switched off; (2) would the CCTV still work once the street lights went off; and (3) how many staff would there be.

Mr Cross replied to those questions along the following lines: (1) Yes, the premises would have lighting to illuminate the area; (2) Yes; and (3) there would be four members of staff who would be fully trained and the Applicant was happy for this to be a condition.

Councillor Pugh then asked Mr Cross if the applicant would consider not allowing glasses or bottles on the forecourt to which Mr Cross replied that the applicant was happy to agree to this as a condition.

Councillor Calver, as a local Ward Member, then spoke in objection to the application. He explained that he was speaking on behalf of a number of local residents and that he felt this application was not in a 'true' town centre location and that therefore the residents that had moved there had not done so with expectations of a wine bar opening nearby.

He said he supported regeneration opportunities but that this application had potential for a significantly negative impact on the area.

Mr Cross, in response to Councillor Calver, questioned if Councillor Calver had received those objections in writing as the applicant had received a signed petition from local residents in support of the application. Councillor Calver confirmed he had received two objections in writing and a number of objections by telephone.

Mr Cross requested that it be noted that, in his recollection, Councillor Calver had stated that he had received objections from all residents on Waddesdon Road.

Councillor Calver, responding to this, strongly denied that he had said he had received objections from all residents in Waddesdon Road as part of his submission to the Sub-Committee.

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 then 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 Sub-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 Powell, seconded by Councillor Pugh 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 concerned residents 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, subject to the imposition of certain conditions.

In addition to any mandatory conditions, any conditions that are consistent with the Operating Schedule and the conditions agreed with Essex Police, the following conditions will apply in order to satisfy the relevant Licensing Objective:

In respect of the Licensing Objectives for The Prevention of Crime and Disorder and Prevention of Public Nuisance the following conditions will apply:

1. The license will be granted for opening hours of: Sunday to Thursdays 10.00 – 00.00 and Friday and Saturdays 10.00 – 01.00 and on New Years Eve 10.00 – 02.00;
2. The area outside the building ("the forecourt") will cease to be used for any purpose after midnight on any night of the week;

3. No glasses or bottles, other than polycarbonate glasses or bottles, to be taken out of the building during trading hours and whilst the premises are open;
4. In addition to customers being asked to leave the premises quietly, signs are to be displayed prominently around the premises reminding customers to have consideration for residents in the area and to leave the premises quietly;
5. All staff will be trained in the sale and supply of alcohol, with training kept up to date and records of such training maintained and produced to the Licensing Authority on request.

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."

11. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 12.42 p.m.

Chairman