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**MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE****HELD ON 25 JUNE 2015 AT 10.00 A.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors Platt (Chairman), White, Winfield**In Attendance:** Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Legal Services Manager (Lisa Hastings), Communications Manager (Nigel Brown), Democratic Services Officers (Janey Nice and Michael Pingram) and Licensing Officer (Emma King)**1. ELECTION OF CHAIRMAN OF THE SUB-COMMITTEE**

The Democratic Services Officer (Janey Nice) invited nominations from Members of the Sub-Committee for the vacant position of Chairman.

It was moved by Councillor White, seconded by Councillor Winfield and **RESOLVED** that Councillor Platt be elected Chairman for purposes of this meeting.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**3. DECLARATIONS OF INTEREST**

There were none.

**4. LICENSING ACT 2003 – APPLICATION NO: 15/00293/PREMGR - FOR THE GRANT OF A PREMISES LICENCE AT NEWSTREND, COLCHESTER ROAD, ARDLEIGH, COLCHESTER, ESSEX CO17 7NP**

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

The Sub-Committee had before it for its consideration, as set out in item A.1 of the Report of the Corporate Director (Public Experience), an application that had been submitted by Mr Huseyin Dogus for the grant of a new Premises Licence in respect of the above premises.

The Council's Licensing Manager (Simon Harvey) briefed the Sub-Committee on the application being considered and summarised the salient points of the application including, principally, that the Applicant was applying for a Premises Licence to include the sale of alcohol off the premises only from Monday to Sunday, between the hours of 8.00am and 11.00pm.

He advised Members that eleven letters of representation in total had been received from residents and that Ardleigh Parish Council had also objected to the application submitted. Mr Harvey said the representations predominantly expressed concerns about the potential for disturbance and public nuisance that may arise from the proposed opening hours of the premises and also the sale of alcohol, both of which would terminate at 23.00 hours (11.00 p.m.).

Mr Harvey added that the representations expressed concerns about noise, disturbance and antisocial behaviour from customer car doors slamming, car parking and road safety issues and from litter and youths congregating outside the shop or in that locality late at

night. A number of objectors also wished to see a reduction in the closing time of the shop from anywhere between the hours of 7.00pm to 9.00pm and earlier on a Sunday and amending its opening time from 6.00am to 7.00am.

In addition, he informed the hearing that Essex Police had advised that it had no objection to the application and there had been no representations received from any other Responsible Authority entitled to make a representation under the Licensing Act 2003.

The applicant's agent, Mr Mahir Kilic, spoke on behalf of the applicant and said that Mr Dogus was prepared to amend his application of opening hours Monday to Saturday, 0600 to 2100 and Sunday 0600 to 1900, with the sale of alcohol from Monday to Saturday 0800 to 2100 and Sunday 0800 to 1900. Mr Kilic said that the shop needed to open at 0600 as the shop sold newspapers. He also advised that the applicant had emailed the residents who had expressed their concern over the opening hours to advise them of the agreement to reduce the hours of opening. Mr Kilic further informed the Sub-Committee that Mr Dogus' home address was now in Mistley and not as stated on the application which meant he only lived four miles from the shop. He added that Mr Dogus was experienced in the sale of alcohol for a number of years and his business partner, who was also experienced in the sale of alcohol, was willing to work with Mr Dogus to ensure that the concerns of local residents were met.

Councillor Platt asked if there had been any representations from the Ward Member, Mr Harvey said he had received none. He also asked if the applicant had advised the objectors of the change of hours and was informed by Mr Kilic that he had spoken to one who had been satisfied with the offer of reduced hours. Councillor Platt asked about the proposal in the application to only have six people in the shop at any one time, and Mr Kilic said it was a condition he would rather have not made but he felt it would help the application if it was offered.

Councillor White asked if Mr Dogus' business partner had a licence to sell alcohol and was informed that he did.

The Chairman then invited the objectors' representatives to make their representations to the Sub-Committee. Mr and Mrs Pugh informed the Sub-Committee that they lived adjacent to the shop with a driveway that was used by drivers of seven cars and they had experienced problems with delivery lorries and customer vehicles blocking the drive, this prevented access and egress to the residents' properties. Mrs Pugh said that they were happy with the applicant's offer of reduced hours.

Mr Tim Barrett, on behalf of Ardleigh Parish Council, spoke in favour of the offer of reduced hours and informed the Sub-Committee he had yet to receive official notification of the reduced opening hours of the shop. He added that he was more than happy to welcome Mr Dogus to the village.

Councillor Winfield asked the objectors if they had tried having a notice informing delivery lorries and customers of the need not to block the driveway and was informed that notices had been tried over the last five years, but ignored and he had himself been unable to get off his drive with vehicles blocking his driveway. Councillor Winfield suggested it might be appropriate for the shop owner to have a word with his delivery drivers.

Councillor White looked at map of the location of the shop and commented that he could see how there could be a problem with parking.

Mr Kilic then summed up the application on behalf of Mr Dogus by informing the Sub-Committee that there would be two members of staff in the shop at all times with a third member of staff to be employed. He agreed that Mr Dogus would speak to delivery drivers to ensure that the driveway was not blocked to avoid any disturbance to neighbours.

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 Democratic Services Officers were asked to accompany Members to record the decision.

Following such deliberations, other Officers and members of the public were readmitted to the meeting.

It was unanimously **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 the following conditions will apply in order to satisfy the relevant Licensing Objective:*

- *In respect of the Licensing Objective for The Prevention of Crime and Disorder it was agreed that the condition of limiting six people in the shop at any one time be amended to read “limiting six members of the public in the shop at any one time in addition to three members of staff”.*
- *In respect of the Licensing Objective for The Prevention of Public Nuisance:*
  1. *The Sub-Committee welcomed the reduction of shop opening hours and the reduction of hours for the off-sales of alcohol; and*
  2. *The Sub-Committee noted the willingness of the applicant to listen to local residents and to work with them to minimise the nuisance of parking across the driveway access.*

*Finally I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the 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.”*

In addition, the Chairman said that the Sub-Committee welcomed Mr Dogus to Tendring to become part of the local community.

The meeting was declared closed at 10.40 a.m.

**Chairman**