

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'**HELD ON 10 AUGUST 2015 AT 10.00 A.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors Callender (Chairman), Watson and White.**In Attendance:** Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath), Senior Democratic Services Officer (Ian Ford), Democratic Services Officer (Michael Pingram) and Licensing Officer (Emma King).**Also In Attendance:** Councillors Miles and Raby.**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

2. MINUTES OF THE LAST MEETINGIt was **RESOLVED** that the minutes of the meeting of the Sub-Committee held on 26 November 2014 be signed as a true record.**3. DECLARATIONS OF INTEREST**

There were none.

4. LICENSING ACT 2003 – APPLICATION NO: 15/00392/PREMVA – APPLICATION FOR THE VARIATION OF A PREMISES LICENSE – WALTON FOOD AND DRINK, 53-55 HIGH STREET, WALTON-ON-THE-NAZE, CO14 8BD

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, as set out in item A.1 of the Report of the Corporate Director (Public Experience), an application that had been submitted by Mr Chandran Vinothkanth for the variation of a Premises Licence held 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 variation of a Premises Licence to allow for opening hours {Monday to Sunday 06.00 – 02.00} and sale of alcohol off the premises {Monday to Sunday 06.00 – 02.00 and Christmas Day 06.00 – 00.00}.

The Licensing Manager also drew the Sub-Committee's attention to the relevant parts of the Council's Statement of Licensing Policy and Home Office Section 182 Guidance in respect of the application, which were set out in the Officers' written report on Pages 10, 11 and 12 of the agenda. He also advised that for the information of all parties to the hearing, the premises current license conditions were shown on pages 30 and 31 of the agenda.

Mr Harvey then informed the Sub-Committee that there had been two letters of objection: one from a local Ward Member, Councillor Miles, and the other from Mrs Myrna Liles, Clerk for Frinton and Walton Town Council.

Mr Harvey told the Sub-Committee that Councillor Miles, in her representation, had advised that the shops within the retail area had flats above occupied by families and she believed that granting the extension to the shop's opening hours and hours for the off sales of alcohol could lead to a total disruption to their sleep and lives.

He also informed the Sub-Committee that Mrs Myrna Liles, in her representation on behalf of Frinton and Walton Town Council, had advised that the Town Council wished to object strongly to the application as it could bring a lot of noise and disorder and alcohol related anti-social behaviour in a mixed shopping and residential area.

He said both Councillor Miles and Frinton and Walton Town Council had recommended that the application should be refused.

Members were further informed by Mr Harvey that Essex Police had advised that it had no objection to the application and that there had been no other representations received from any other Responsible Authority.

Mr Vinothkanth, the Applicant, spoke in support of the application and stated that his customers had informed him that he needed to open later each day, that he wished to meet demand from summer visitors and said that other nearby public houses opened to similar times and that he felt his store would not be a public nuisance as he had not received any complaints in the past.

The Sub-Committee asked questions of the Applicant in respect of: (1) who did he feel were the customers they could attract to the shop between 23.00 and 02.00; and (2) was there anything in place to minimise noise and disturbance.

The Applicant responded to those questions along the following lines: (1) local residents and (2) no, because it was difficult to stop people from talking and making noise as they left their vehicles.

Councillor Miles then addressed the Sub-Committee and reinforced the objections that she had submitted in her written representation to the Licensing Authority, including that the area that the shop was located in had been subject to Police Dispersal Orders in the past.

The Sub-Committee asked questions of Councillor Miles in respect of: (1) how many times had Walton had to apply for Dispersal Orders; and (2) how much of the surrounding area was residential.

Councillor Miles responded to those questions along the following lines: (1) she didn't have an exact figure but said it had been on several occasions and each time it had been enforced for a period of six months; and (2) that most shops in the vicinity had residential accommodation above.

Mrs Myrna Liles then addressed the Sub-Committee and reinforced the objections that she had submitted in her written representation to the Licensing Authority.

The Sub-Committee asked Mrs Liles how Members had voted on the application at the Town Council meeting and was told all 16 Members had voted to object to the application.

Councillor Miles then summarised her objection to the application.

Mrs Myrna Liles then summarised the Town Council's objection to the application.

The Chairman then asked the Applicant if he wished to summarise his application by way of a closing statement. Mr Vinothkanth did so by explaining that his store was a quiet grocery store and that he was meeting a public demand.

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, Senior Democratic Services Officer and Democratic Services Officer 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 generic 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 **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 the Ward Councillor for Walton and the Town Clerk for Frinton and Walton Town Council 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 as follows:

- (1) Proposed opening hours will be Monday to Sunday from 06.00 – 23.00 hours; and
- (2) Sale of alcohol off the premises will be Monday to Sunday (with no seasonal variation) from 06.00 to 23.00 hours.

This decision has been taken in the interests of the prevention of public nuisance.

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 21 days from the date of the notification of the decision.

This decision will be confirmed in writing to all parties.”

The meeting was declared closed at 11.22 a.m.

Chairman