

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'A'**HELD ON 19 MARCH AT 10.00 A.M. IN THE COUNCIL CHAMBER, WEELEY**

- Present:** Councillors Colbourne (Chairman), Casey and Powell
- Stand-by Member:** Councillor Pugh
- Also Present:** Councillor White
- In Attendance:** Solicitor (Linda Trembath), Licensing Officer (Alan Tolmie), Democratic Services Officer (Elizabeth Ridout), Licensing Assistant (Michael Cook) and Legal Services Assistant (Rachel Tappenden)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

9. MINUTES

The minutes of the meeting of the Sub-Committee held on 20 August 2012 were approved as a correct record and signed by the Chairman, subject to the Sub-Committee being made aware that Councillor Powell had been unable to sit as a member on that occasion due to the fact that she was the local Ward Member for the application being considered and the minutes being amended to reflect that.

10. DECLARATIONS OF INTEREST

There were none.

11. LICENSING ACT 2003 – APPLICATION NO: 13/00050/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE HOY, 4 CLACTON ROAD, ST OSYTH

The Chairman welcomed all those 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 Philip Wells, for the grant of a Premises Licence in respect of the above premises.

Members were made 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 5.0 and 6.0, respectively, of item A.1 in the Report of the Corporate Director (Public Experience).

It was reported that two letters of representation on the grounds of public safety and the prevention of public nuisance had been received from St Osyth Parish Council, and Mr and Mrs Murray. It was reported that of those objectors, Mr and Mrs Murray had been unable to attend the hearing.

In the light of the above it was thereupon:-

RESOLVED that the case be heard in the absence of Mr and Mrs Murray who were unable to attend, but that their representations be considered in accordance with Section 20(3) of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Wells spoke in support of his application with opening remarks, referring to his application, that there was an area at the back of the building they could, and had used, for people who wished to smoke, and how it was proposed the four Licensing Objectives be met including any nuisance caused by noise and people congregating on the pavement at the front of the premises before responding to questions raised by Members. Mr Neil Young, the previous Premises Licence Holder then spoke and answered questions raised by Members.

Mr Neil Williams spoke on behalf of St Osyth Parish Council as an objector, setting out the Council's concerns for public safety and public nuisance when people came out of the premises, with their drinks, to smoke on the narrow pavement and the road in front of the premises; and how the premises was at a, potentially, dangerous junction. Mr Williams then responded to questions raised by Mr Wells.

Mr Wells then summed up his application.

Mr Williams then summed up on behalf of St Osyth Parish Council.

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, Democratic Services Officer and Legal Services Assistant 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 no specific legal advice to Members during their deliberations.

It was moved by Councillor Casey, seconded by Councillor Powell 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 St Osyth Parish Council and local 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 and any conditions that are consistent with the Operating Schedule the following conditions will apply in order to satisfy the relevant Licensing Objectives.

In respect of the Licensing Objectives for Public Safety and the Prevention of Public Nuisance:

- The Premises Licence Holder and Designated Premises Supervisor and all staff must ensure that all persons wishing to smoke are directed to the smoking area provided for that purpose at the rear of the building;

- The Premises Licence Holder will ensure that signs are erected within the next 14 days at all exit points and within the building as to the position or whereabouts of the smoking area; and
- The Premises Licence Holder will ensure that signs are erected within the next 14 days at all exit points and within the building advising all customers and persons that drinks are not to be taken outside at the front of the premises.

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."

12. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 12.05 p.m.

Chairman