

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'**HELD ON 4 SEPTEMBER AT 10.00 A.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors D Oxley (in the Chair), Pugh and Sambridge.**Stand-by Member:** Councillor Casey.**Also Present:** Councillors Broderick and Winfield.**In Attendance:** Solicitor (Linda Trembath), Licensing Manager (Simon Harvey), Democratic Services Officers (Janey Nice and Michael Pingram), Licensing Assistant (Michael Cook) and Licensing Enforcement Assistant (James King).**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

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

2. MINUTES

The minutes of the meeting of the Sub-Committee held on 17 July 2012 were approved as a correct record and signed by the Chairman. The only Councillor present at this meeting who was also present at the 17 July 2012 meeting was Councillor Pugh.

3. DECLARATIONS OF INTEREST

There were none.

4. LICENSING ACT 2003 – APPLICATION NO: 13/00428/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE – JIGS, 100 KINGS AVENUE, HOLLAND-ON-SEA, ESSEX

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 Jigar Pandya, 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 Section 5.0, 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 and supported the objections made. The grounds of public nuisance and noise nuisance were cited as reasons for the objections.

Members were advised that only the first page of the petition could be considered as a relevant representation under the Act 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 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. The Sub-Committee were advised that the petitioners had been invited to attend the meeting.

Mr Jigya Pandya did not speak in support of his application but having said he had no opening comments went straight to answering questions from Mrs I E Vanner as spokesperson for the objectors.

Mrs I E Vanner spoke on behalf of some 400 residents who were objecting setting out their concerns for public nuisance. Mrs Vanner said at times, that people people were drinking and eating take-aways, which she accepted could not be from Mr Pandya's shop, but that they were leaving their rubbish and that the objectors feared an increase in such public nuisance, and crime and disorder, particularly as the public conveniences were now closed at 11.00 p.m. Councillor Broderick informed the Sub-Committee that there were 7,500 residents in Holland-on-Sea and that 45% of them were over 65 years of age. Mrs Vanner said that some residents were very concerned about anti-social behaviour since stores such as Tesco had opened and that another convenience store would exacerbate the problems. Councillor Broderick said that the community would not use an establishment that was causing trouble.

Mr Jigya Pandya and Mr Pandya senior, both answered questions from members of the Sub-Committee. Mr Jigya Pandya then summed up his application confirming how the Licensing Objectives would be met.

Mrs Vanner, on behalf of the objectors summed up their objections and concerns.

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 D Oxley, 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 relevant representations 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, 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 prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm that all staff will be trained and supervised in connection with the sale of alcohol from 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.

5. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 11.41 a.m.

Chairman