
**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 1ST FEBRUARY, 2019 AT 10.00 AM
IN THE COUNCIL CHAMBER, WEELEY**

Present:	Councillors Callender (Chairman), Winfield and Davis
In Attendance:	Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

26. CHAIRMAN FOR THE MEETING

It was moved by Councillor Winfield, seconded by Councillor Davis and

RESOLVED - That Councillor Callender be elected Chairman for the meeting.

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Watson.

28. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 14 December 2018 were approved as a correct record and signed by Councillor Winfield who attended the meeting.

29. DECLARATIONS OF INTEREST

There were none.

30. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

31. A.1 REPORT - REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - WINE BOUTIQUE FRINTON LTD, 14 OLD ROAD, FRINTON-ON-SEA, ESSEX

The Chairman (Councillor Callender) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operational Services), an application for the grant of a Premises Licence for Wine Boutique Frinton Limited, 14 Old Road, Frinton-on-Sea.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:

Tuesdays to Saturdays 1100 hours to 2130 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that three letters of representations/objections had been received from residents in relation to this application.

It was reported that no Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary of the written report. There were no such questions.

The Chairman stated that he wished to give an equal amount of time to both the applicant and the objectors to make their cases. He proposed 10 minutes for each side.

The Applicant's Business Partner, John Greenwold then gave representations to the Sub-Committee.

He stated that he had been a wine importer and wholesaler for a number of years and traded with a large number of wine bars and hotels. He said that High Street habits were changing as large town centres were becoming unattractive. The cost of running restaurants was increasing. This had changed the industry and he had had to look to change his business. The Wine Boutique came out of this. The model he was using was unique in that it was a wine shop with a licence for on-sales. His business based on this model had opened in Felixstowe a year ago and had become very popular. His business traded around the world with farms direct, wines were chosen very carefully

and they were then shipped over by themselves. At first he had thought it would be a niche market but it had now become mainstream.

He further stated that the Felixstowe premises closed at 9.00 p.m. which had proved to be a selling point. Food was not sold at that premises only snacks, that were put out in bowls for customers with the business disposing of the wrappers so there were no waste issues. This was a low overhead model and a successful small business.

Mr Greenwold informed the Sub-Committee that Sue Roberts, the Applicant had been working in the Felixstowe premises, but lived in Frinton. She would be the Manager of the new premises in Frinton.

Mr Greenwold continued by stating that customers were able to walk to the premises, and that there was a small catchment area.

On the issues of smokers, Mr Greenwold stated that there was a small cubby area at the side of the premises which would be designated as the smoking area. The other side of the premises would be a no smoking area.

The Chairman asked if any Members had any questions that they would like to ask Mr Greenwold.

The Chairman said that he was concerned about the till being near to the door in the premises for safety reasons and he was assured that the back door would remain closed during the day, but the till could be moved if needed.

Members asked how long it had taken for Mr Greenwold to realise that the Felixstowe store was working. Mr Greenwold stated that he had had a wine shop in Felixstowe for six years. He had then moved and upgraded to his current model and opened in 2017. He had had a first good Christmas and Christmas 2018 was also very good with good figures.

Members asked about staff being trained to spot underage drinkers and were told that anyone who appeared to be underage would be challenged.

Members asked whether the outside of the premises, in particular cigarette butts would be cleaned and swept up each day and were assured that this would happen.

Members asked about the background music in the shop and Sue Roberts stated that it would be very low background music, which once several people were on the premises talking would be very hard to hear and certainly would not be heard from outside.

The Chairman then asked the objector, Mr Harrington whether he had any questions for the Applicant to which he stated that he had none.

The Chairman invited Mr Harrington to present his representations to the Sub-Committee.

Mr Harrington stated that he felt that the premises were in the wrong place for the type of activity requested. He felt that the best place would be in Connaught Avenue.

He said that he was an insurance broker who had retired to Frinton-on-Sea. He felt that the premises were in the wrong place, in that there was a bus stop directly outside at which passengers queued outside numbers 12 and 14 Old Road. He stated that it could cause an accident, with someone getting pushed in the bus queue by the clientele of the Wine Shop. He stated that if the premises were in Connaught Avenue then they could have outside seating. This could not be done at the premises in Old Road. He was concerned that the smokers would not smoke in the designated area but would smoke in the road around the premises, adjacent to the bus queue.

The Chairman asked if any Members had any questions that they would like to ask Mr Harrington.

Members asked Mr Harrington whether, when the premises had been a hairdressers, there had been smoking outside the premises. Mr Harrington confirmed that there had been smoking and that he had constantly complained about it.

Mr Greenwold stated that he could make the smoking cubby-hole more attractive for the smokers and that he would enforce its use.

The Applicant, Mrs Roberts stated that in respect of Mr Harrington's comment about the bus queue outside the premises, buses only ran there on Mondays to Fridays until 4.00 p.m.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

"Application No: 18/00693/PREMGR – Application for the Grant of a Premises Licence in respect of Wine Boutique, 14 Old Road, Frinton-on-Sea, Essex

1. 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 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.
2. The decision of the Sub-Committee is to Grant this application in full.

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.

The Committee note that the applicants have confirmed that they will sweep up any cigarette butts or similar on a daily basis; and that the outside areas around the property are kept clean and free of rubbish.

This decision was made today, 1 February 2019 and will be confirmed in writing to all parties.”

The meeting was declared closed at 10.55 am

Chairman