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Premises / Personal Licences Sub-Committee

2 April 2019

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON TUESDAY, 2ND APRIL, 2019 AT 10.00 AM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors V \E Guglielmi, Cossens, Winfield and Watson (Standby Member)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

32. CHAIRMAN FOR THE MEETING

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

RESOLVED – That Councillor V E Guglielmi be elected Chairman for the meeting.

33. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

34. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Licences Sub-Committee held on 1 February 2019 were approved as a correct record and signed by the Chairman.

35. DECLARATIONS OF INTEREST

There were none.

36. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

37. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - P-V-S CONVENIENCE STORE, 139 OLD ROAD, CLACTON-ON-SEA, ESSEX CO15 3AT

The Chairman (Councillor Guglielmi) 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 variation of a Premises Licence for P-V-S Convenience Store, 139 Old Road, Clacton-on-Sea.

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

Every Day - 0000 to 2359.

Section 3.0 of the written report set out the current licensable activities which were:-

Sale of Alcohol off the premises

Monday to Saturday - 0700 to 0200

Sunday - 0700 to 0100

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 5.1 to 5.4 inclusive.

Members were further informed that one letter of representation/objection had been received from a resident 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) Hours of Trading

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

The Chairman invited the Applicant, Mr Suresh Theivendram to give representations to the Sub-Committee.

Mr Theivendram stated that, currently, the premises were open to sell alcohol until 2 a.m. and that customers had asked him why he did not open the shop for 24 hours as there were no other shops in the area which were open for longer.

Therefore, he had decided to apply for the 24 hour licence. He stated that the main items that people came into the shop for at night were bread, milk and baby items but that not a lot of alcohol was sold during that time. He mainly sold groceries and soft drinks. He further stated that he had never had any problems in the past with remaining open for 24 hours.

The Chairman asked whether he thought that there would be problems if he was able to sell alcohol 24 hours a day and Mr Theivendram replied that he had not had any problems so far. The lady and children living in the upstairs flat had never complained.

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

Members asked Mr Theivendram questions and stated that the existing licence had conditions imposed by Essex Police in that there had to be two people in the shop after 11.00 p.m. at all times and that a Personal Licence Holder had to be on the premises at all times. He replied that he always had two people working in the shop after 11.00 p.m. He also stated that he had adopted the Challenge 25 policy. He kept a register in the shop in this respect which the Council came in to periodically check and he had a sign at the till. Members reminded Mr Theivendram that if the Licence variation was granted the existing conditions would be transferred to the new licence.

Members also asked Mr Theivendram whether he was aware of the problems with alcohol in the Town Centre and he stated that he was, but that there had never been a problem in his part of town as there was a good community in the area.

Members then asked Mr Theivendram how many people he had working at the shop and he replied that three people worked there and that they were all over 21 years of age.

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 the 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: 19/00055/PREMVA – Application for the Variation of a Premises Licence in respect of 139 Old Road, Clacton-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 a resident 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 and to remind the applicant of the existing conditions and that they all remain applicable although noting that in relation to numbers 6 and 7 in Annex 3 these shall be amended so as to require a Personal Licence Holder to be on duty (and 2 staff present) during all periods alcohol is on sale, i.e. Monday to Sunday from 00.00 to 23.59.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court.

This decision was made today, 2 April 2019 and will be confirmed in writing to all parties."

The meeting was declared closed at 10.46 am

Chairman