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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON TUESDAY, 10TH MARCH, 2020 AT 10.00 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Davis, Skeels, Winfield and Casey
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**12. ELECTION OF CHAIRMAN FOR THE MEETING**

It was moved by Councillor Davis, seconded by Councillor Skeels and:-

**RESOLVED** – That Councillor Winfield be elected Chairman for the meeting.

**13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**14. DECLARATIONS OF INTEREST**

There were none.

**15. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ARDLEIGH SERVICE STATION, COLCHESTER ROAD, ARDLEIGH, ESSEX CO7 7PA**

The Chairman (Councillor Winfield) 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 Ardleigh Service Station.

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

Mondays to Sundays 0600 to 2300

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

Sale of Alcohol off the Premises

Mondays to Sundays 0600 to 2300

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 4.1 to 4.5 inclusive.

Members were further informed that ten letters of representation/objection had been received from residents in relation to this application.

No representations had been received from any of the Responsible Authorities.

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

The Chairman then invited the applicants to give representations to the Sub-Committee and Mr David Hook, the applicant's Solicitor addressed the Sub-Committee.

Mr Hook explained that Mr Simon Stancevic the Manager and Designated Premises Supervisor of the Premises and Mr Michael Stancevic, the Area Manager were in attendance with him.

Mr Hook explained that Mr Simon Stancevic had thirteen year's experience of running garages and Mr Michael Stancevic had considerably more with around twenty year's experience. Mr Simon Stancevic would be the Designated Premises Supervisor at both this site and the Ardleigh South Service Station site. The sites were served by a team of nine staff which were shared between both sites. Mr Simon Stancevic would be the Duty Manager at both sites. Five of the staff had received the relevant training in relation to the sale of alcohol.

Mr Hook explained by reference to the plan showing the layout of the premises where the alcohol would be located. It would be near to the counter so that it could be seen and was then farthest away from the entrance doors. All spirits would be sold from across the counter.

Mr Hook further explained that the reason that the applications had been made was that the two sites were also convenience stores which were likely to be refurbished in the future. Mr Stancevic had experience of off-licences which operated 24 hours a day. In most mini-markets the public expected alcohol to be sold.

Mr Hook pointed out that some of the representations received in respect of this application did not fall within the Licensing Objectives. One representation had stated that the premises had been the subject of a ram-raid but he explained that this was when the cash machine had been located in a pod outside the main building. He said that one aspect of having a Premises Licence was that there were stringent regulations. The premises had to have a method of remotely locking the doors to keep staff secure. This was also an ideal method for detaining someone in the shop or from entering the premises in the event of an emergency.

He stated that some of the representations concerned drink-driving but stated that there was no proven link between drink-driving and premises such as these. He said that the shop was a very active shop for non-forecourt purchases. He stated that the staff would not be careless in selling alcohol as Messrs Stancevic both had many years of

experience of selling alcohol between them. He said that the shop should be regarded as an asset for the village.

One of the representations stated that there would be light pollution as the premises would be open 24 hours a day, but these premises would not be open 24 hours a day.

Some of the other representations had been concerned with underage sales and he stated that the Challenge 25 Policy would be in operation at the premises. Staff would be trained to require photo I.D. from anyone who appeared to be under 25. With respect to litter, bins would be provided and the premises would be patrolled to make sure that the area adjacent to the main road would be clean.

The Chairman then asked if Members had any questions that they would like to ask Mr Hook or Messrs Stancevic.

Members asked whether Mr Simon Stancevic had his Personal Licence and he said that he did now have it.

Members said that they were concerned about the possible congestion on the forecourt with cars possibly queuing onto the main road and Mr Hook said that the new owners would do what they could to ease congestion. They were not able to enlarge the site.

The applicants were asked how many staff would be on each site at any one time and they were told that there would be two staff on site at all times on a rota basis

The objectors were then invited to address the Sub-Committee and ask questions of the applicants.

Mrs Hamblin, representing Ardleigh Parish Council, asked why the application had not been advertised and Mr Hook explained that this was something that was outside of their control. The application was to be advertised on site at the premises.

Mrs Carol Mason, one of the objectors cited concerns about the dangerous road situation. The road outside of the premises was a 40 mph road and she was concerned about the increase in traffic and that this could increase the danger in the area. She stated that this application would increase the footfall into the shop. The forecourt was not designed for lots of cars and if there were any more than 6 or so cars they would be queuing on the main road adjacent. Other reasons that the village was objecting was that they wanted to protect the shops and the public house that were already in the village.

Mrs Hamblin stated that they were also concerned about the possibility of an increase in litter in the area.

Members then asked the applicants what percentage of their customers had asked for alcohol to be sold in the shop. Mr Hook explained that the applicants had only recently taken over the premises. Mr Baker, the Applicant's Agent had stated that there would be somewhere in the region of 10-15% of alcohol sales and 85-90% grocery sales in similar shops. He stated that business did increase if alcohol was sold. He stated that it was a convenience store and not a discount store and therefore there would be no cheap alcohol sold.

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 its decision.

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

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

"Application No: 20/00047/PREGR Application for the Grant of a Premises Licence – Ardleigh Service Station, Colchester Road, Ardleigh, Essex CO7 7PA

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.

The parties are reminded that if there are any issues relating to the Licensing Objectives arising from this Licence, then they should notify the Licensing Authority, or other Authority as appropriate, and if appropriate a review of the Licence can be undertaken.

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, 10 March 2020 and will be confirmed in writing to all parties."

**16. ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting for lunch at 11.55 a.m. Following the adjournment, the meeting recommenced at 2.00 p.m.

**17. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ARDLEIGH SOUTH SERVICE STATION, COLCHESTER ROAD, ARDLEIGH, ESSEX, CO7 7NS**

Following the recommencement of the meeting, Mr Hook, the Applicant's Solicitor asked the Sub-Committee whether they wished him to go through matters again as he felt that he had covered everything in the meeting this morning and that this would substantially be the same for this application. The Chairman agreed that it was unnecessary to give representations to the Sub-Committee again.

Mr Hook said that he was happy to answer any questions that the Sub-Committee had and the Chairman asked the Members of the Sub-Committee whether they had any questions for Mr Hook or the applicants and they confirmed that they did not.

Members had before them the report which stated in Section 2.2 the proposed opening hours for the premises which were:-

Mondays to Sundays 0000 to 0000

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

Late Night Refreshments

Mondays to Sundays 2300 to 0500

Sale of Alcohol off the Premises

Mondays to Sundays 0000 to 0000

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 4.1 to 4.5 inclusive.

Members were further informed that one letter of representation/objection had been received from residents in relation to this application.

No representations had been received from any of the Responsible Authorities.

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

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 its decision.

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

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

"Application No: 20/00046/PREG Application for the Grant of a Premises Licence – Ardleigh South Service Station, Colchester Road, Ardleigh, Essex CO7 7NS

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 a right of appeal to the Magistrates' Court.

This decision was made today, 10 March 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 2.06 pm

**Chairman**