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Premises / Personal Licences Sub-Committee

28 February 2020

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 28TH FEBRUARY, 2020 AT 1.02 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors V Guglielmi, Casey, Davis and Winfield (Standby Member)
<b>In Attendance:</b>	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)

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

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

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

**8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was no apologies for absence or substitutions.

**9. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 13 January 2020 were approved as a correct record and signed by the Chairman.

**10. DECLARATIONS OF INTEREST**

There were none.

**11. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DIFFERENT (ESSEX) LTD, ASHLYNS HOUSE, 83 FOURTH AVENUE, FRINTON-ON-SEA, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Mr Tony Sugden of Different (Essex) Ltd 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 Ashlyns House, 83 Fourth Avenue, Frinton-on-Sea, Essex.

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

Mondays to Sundays 1100 to 2300

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

Provision of Recorded Music

Mondays to Sundays 1100 to 2300

Sale of Alcohol on the Premises

Mondays to Sundays 1100 to 2300

The applicant had stated that 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 a resident in relation to this application.

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

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

The Chairman then invited the applicant to give his representations to the Sub-Committee and Mr Sugden addressed the Sub-Committee.

Mr Sugden explained that he had applied for the licence for seven days a week until 11.00 p.m. as the previous licence had been held on that basis. He had not been aware until just before he was due to take over the Lease in October 2019 and after speaking to the Licensing Team that the Premises Licence had been surrendered in August 2019. He had been informed by the Licensing Team that he could not therefore apply for a variation of that Licence.

He also informed the Sub-Committee that the previous owners had also stripped the premises of fixtures and fittings and that he was currently undertaking a full refurbishment. He said that he had had to apply for these hours in order to make the business viable. He said that he had 24-26 covers inside, with a further 20 covers on the outside patio area.

He said it would be a small family restaurant. He had lived in Frinton-on-Sea for 35 years and his family were in the catering business, having previously run a restaurant in the area with his wife's parents and grandparents.

Mr Sugden was then asked by Members whether there was enough room in the outside area for 20 and he explained that it was a small patio area with a small grassed edge and then the pavement and that he wished to use this patio area during the Summer months as this would help to make the business more viable.

The issue of parking was also raised and discussed.

Mr Sugden was asked about the letter of objection from Mr Kirby in relation to his concerns about the closing times and whether he would be prepared to compromise on the opening times. Mr Sugden stated that he needed to earn a living and that it would not be a viable business if he had to close the premises at 8.30 p.m. He was hoping that he would pick up business from the patrons using the nearby Theatre and he was aiming his business at families and couples. If he was allowed to use the outside patio area this would help his income.

Mr Kirby the objector was not present at the meeting.

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 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: 20/00007/PREMGR – Application for the Grant of a Premises Licence – Different (Essex) Ltd, Ashlyns House, 83 Fourth Avenue, Frinton-on-Sea, Essex

“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.

The decision of the Sub-Committee is to Grant this application in full. Namely opening hours Mondays to Sundays of 11.00 a.m. to 11.00 p.m. (or 2300 hours) including the provision of recorded music and the sale of alcohol on the premises, inside the premises only.

The Applicant has also been made aware that the premises has planning permission to 10.30 p.m. (or 22.30 hours).

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, 28 February 2020 and will be confirmed in writing to all parties.”

The meeting was declared closed at 2.02 pm

**Chairman**

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