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Premises / Personal Licences Sub-Committee

3 December 2020

MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE, HELD ON THURSDAY, 3RD DECEMBER, 2020 AT 10.30 AM

Present:	Councillors V Guglielmi, Casey and Winfield
Also Present:	Councillor I Henderson
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Keith Durran (Democratic Services Officer), Karen Harges (IT Training Officer) and Emma King (Licensing Officer)
Also in Attendance:	Mr Ray Dowsett, Mr Parker and Ms Pollard

14. CHAIRMAN FOR THE MEETING.

It was **RESOLVED** that Councillor V Guglielmi be elected Chairman for the meeting.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor J Henderson sent her apologies.

16. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the previous meeting of the Personal/Premises Licences Sub-Committee held on Tuesday, 4 November 2020 be agreed as a correct record.

17. DECLARATIONS OF INTEREST

There were none.

18. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Ray Dowsett of DCS Enterprise Ltd and made introductory remarks.

The Council's Licensing Manager (Karen Townsend) 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 (Operations and Delivery) an application for the grant of a premises licence for DCS Enterprise Solutions Ltd.

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

Mondays to Sundays 1200 to 0200

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

Sale of Alcohol on and off the Premises Mondays to Sundays 1200 to 0200

Late Night Refreshment Mondays to Sundays 2300 to 0200

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 three letters of objection had been received, two from residents and one from Councillor I Henderson, the local Ward Member 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.

Mr Dowsett, Director of DCS Enterprise Ltd, explained that they had owned the property for many years, and had let it out to an external contractor. The property had now returned to them and they were in the process of refurbishing it so they could operate it as a restaurant.

The Sub-Committee heard how he had worked on the application with Officers from the Council's Licensing Section and that the only objections he had received were the three objections that the Sub-Committee had also received.

Councillor Ivan Henderson then addressed the Sub-Committee as an objecting party in relation to the application and its opening hours, especially the selling of alcohol on and off the premises until 02:00. He explained that the premises was in his Ward and that it was close to a number of residential properties. He believed that the opening hours would attract a large foot fall of customers late at night after other establishments had closed and that would cause antisocial behaviour as there was limited public transport available to leave the area. He also mentioned that there was a flat above the premises and asked the Sub-Committee to consider the people living there when deliberating granting a licence.

Mr Parker, a member of the public, spoke as an objecting party in relation to the application and said he fully endorsed what Councillor Henderson had said but added that he didn't believe the signage on the premises, asking its customers to be respectful of the local area when leaving, would be adhered to by the customers after they had consumed alcohol. He also believed that the available car parking in the area was insufficient and that the lack of public transport, combined with the late hours of the premises could lead to increased drink driving.

Ms Pollard a member of the public, spoke as an objecting party in relation to the application agreed with what Mr Parker had said in relation to parking but added that she believed the customers leaving the local Weatherspoon's would cause a nuisance on their way to that premises.

In response, Mr Dowsett explained that the Company had managed multiple premises though out Colchester and Tendring with no noise complaints and whilst he didn't believe parking was legally an objection for a licence, he assured the Sub-Committee that there was adequate parking on site as they owned the flats above the shops and all 3 retail units that were connected together.

The Chairman asked Mr Dowsett what time did these other premises close. In response Mr Dowsett stated that these premises usually closed around midnight. He further stated that he was willing to compromise on the 02:00 closing time and assured the Sub-Committee that it would not be an establishment in which they would have customers turning up at midnight for a drink.

The Members asked if the premises was big enough for a restaurant and when would it ready to open. Mr Dowsett confirmed that it would be big enough and that they were also 'knocking through' to the unit next door and that the establishment was a week away from opening.

Ms Pollard informed the Sub-Committee that she didn't agree with the comments from Mr Dowsett in relation to parking in the area.

Councillor I Henderson asked that the opening hours be reviewed as he didn't believe that they were conducive to the residential amenity of the local area.

Mr Parker reiterated his belief that the car parking provision was insufficient.

Councillor Casey stated his concern about the opening hours and the possibility of a noise problem as he thought a night club would be an issue in that location.

Mr Dowsett assured the Sub-Committee in response that the venue was not a night club and that he had procedures in place to control the premises. He also said that the parking on site was suitable but that he was unsure how that was legally applicable to the licence application. Mr Dowsett reconfirmed that he was willing to compromise on the opening hours.

Members asked Karen Townsend (Licensing Manager) for a list of other venues in the locality and their opening times. She explained that the demographic in the area was more towards local pubs with Friday-Saturday opening until 01:30 and Monday till Thursday until 00:30. Another one of Mr Dowsett's premises was open until 01:00 and the local Weatherspoons was open until 01:00 on the weekend and 00:00 on weekdays. Take-aways with refreshment were open until around 00:00 with the exception of the McDonalds which was open 24hrs, Dominoes which was open for 23 hours and Tasty Take Away which was open until 02:00.

Councillor I Henderson informed the Sub-Committee that he was a member of the Harwich Tourism Group and that the last thing he would want was to push new businesses away as they tried to increase footfall into the town. However, he believed that businesses also had to have the wellbeing of the local residents in mind and he reiterated that his principal concern was in relation to the late opening times.

Mr Dowsett thanked Karen Townsend (Licensing Manager) for the list of opening hours and said that he would be more than happy to reduce the permitted opening hours by an hour so as to fall in line with the other local businesses.

Ms Pollard once again mentioned that she did not believe the parking in the area was sufficient.

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

19. ADJOURNMENT OF MEETING

**20. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS**

After some discussion the Sub-Committee returned with its decision and the meeting resumed. The Sub-Committee's decision was as follows:-

"The conclusion we've come to for application number 20/00510 is to grant a premises licence in respect of DCS Enterprise Solutions Ltd. 1 Midland House, Harwich.

The Sub-Committee has given careful consideration to this application and in reaching our decision we have taken into account the views expressed by the applicant, the representations received by residents, along with the guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own statement of licencing policy.

The decision of this Sub-Committee is to grant this application in part. Having heard Mr Ray Dowsett on behalf of the applicant, Councillor Ivan Henderson, the ward Councillor, as well as Philip Parker and Lesley Pollard, the Sub-Committee has decided to grant the application for the sale of alcohol, on and off the premises, and late night refreshments. The Sub-Committee has decided to grant the licence as follows: Monday to Thursday until 00:00, Friday & Saturday until 01:30 and Sunday until 00:00.

In reaching this decision the Sub-Committee has paid attention to the issues raised around the opening hours and the issues that may arise from the opening of various premises and has been advised of the hours of other premises, of a similar nature, in and around the area, the type of area this premises is situated in and the nature of the business as well as the manner in which they are run.

If there are any particular issues with any premises then in the first instance, they would normally be raised with the managers of the premises themselves, and depending upon the nature of the issues, potentially with the relevant authorities.

It is understood that Mr Dowsett already runs a number of other establishments in the area and he has demonstrated a willingness to work with the authorities. Indeed he has indicated to the Sub-Committee today a willingness to compromise and to discuss matters, and such attitudes are to be encouraged at all times.

Finally, we must mention that all parties that are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates Court. This decision was made today, 3rd of December 2020 and will be confirmed in writing to all parties.”

The meeting was declared closed at 11.40 am

Chairman

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