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Premises / Personal Licences Sub-Committee

9 September 2024

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 9TH SEPTEMBER, 2024 AT 10.30 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors A Cossens, J Henderson, Thompson and Codling
Also Present:	Councillor Codling (stand by Member)
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer), Bethany Jones (Committee Services Officer), Emma King (Licensing Officer), Alfie Smith (Licensing Enforcement Officer) Matthew Ramsden (Planning Enforcement Officer) and Christopher Bailey (Elections and Leadership Support Officer)

21. CHAIRMAN OF THE MEETING

It was moved by Councillor A Cossens, seconded by Councillor Thompson and:-
RESOLVED that Councillor J Henderson be elected as Chairman for the meeting.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence nor substitutions on this occasion.

23. MINUTES OF THE LAST MEETING

It was moved by Councillor A Cossens, seconded by Councillor Thompson and:-

RESOLVED that the minutes of the meeting of the Sub-Committee held on Monday 2 September 2024, be approved as a correct record and be signed by the Chairman.

24. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

25. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - GRANT OF A PREMISES LICENCE, KINGS LOCAL, 65-67 KINGS AVENUE, HOLLAND ON SEA, ESSEX, REF: 24/00399/PREMGR

The Sub-Committee had before it an Officer report namely item A.1 – Application for the Grant of a Premises Licence, Kings Local, 65-67 Kings Avenue, Holland-on-sea, Essex. Ref: 24/00399/PREMGR. This application had been scheduled to be before the Sub-Committee on Monday 2 September 2024, but the applicant had failed to attend the Sub-Committee. The Chairman at that meeting had decided that it was within the public's best interest to adjourn the item until this date, when the applicant could be present.

Members heard from the Council's Licensing Manager. He explained that the application before the Sub-Committee was in relation to the premises located 65-67 Kings Avenue, Holland on Sea, to be known as "Kings Local", application number

24/00399/PREMGR. He stated that the premises was to be used as a convenience store and that the applicant had said that the store was to be refitted to a new high standard.

Members also heard that the premises used to be a social club and had been licensed for alcohol sales.

It was reported that the proposed licensable activities on this application were for the sale of alcohol, off the premises, every day between the hours of 06:00 and midnight. This was also the proposed opening times of the convenience store.

The Licensing Manager explained how the applicant had outlined steps in the application to promote the four licensing objectives. The report outlined how representations could be made either in support of, or against, an application. In addition, all responsible authorities had been consulted, as was the standard procedure.

The Sub-Committee heard how one email of representation had been received from a member of the public, as well as one representation from Tendring District Council's Planning Authority, as a Responsible Authority, in relation to the planning permission for this premises. Details of both representations were contained within the published agenda pack.

Members were reminded that each application must be considered in its own right and on its own merit, and judged only on how it might impact on the four licensing objectives.

QUESTIONS FROM MEMBERS	OFFICER'S ANSWERS												
Was the Social Club a licensed premises and what were its hours of operation?	It was a licensed premises, and it operated from 10:00 through to 23:00 Monday to Sunday.												
There are other similar businesses local to this one, what are their licensed hours for the sale of alcohol?	<table border="0"> <tr> <td>Tesco</td> <td>06:00 to 23:00</td> </tr> <tr> <td>Co-op</td> <td>07:00 to 22:00</td> </tr> <tr> <td>Morrisons</td> <td>06:00 to 23:00</td> </tr> <tr> <td>Roaring Donkey Pub</td> <td></td> </tr> <tr> <td> Mon to Thur & Sun</td> <td>11:00 to 23:00</td> </tr> <tr> <td> Fri & Sat</td> <td>11:00 to 01:00</td> </tr> </table>	Tesco	06:00 to 23:00	Co-op	07:00 to 22:00	Morrisons	06:00 to 23:00	Roaring Donkey Pub		Mon to Thur & Sun	11:00 to 23:00	Fri & Sat	11:00 to 01:00
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The Sub-Committee then heard from the Council's Planning Enforcement Officer. He explained that the property did not have the correct planning permission for the use of the building to be a convenience store which required it to be classified as a class E and that currently it was classified a Social Club, which was designated as an F2 premises.

He explained that without the correct permissions in place and if the license was granted, it would encourage the owners to open the store and result in a breach of planning under The Town and County Planning Act 1990.

The Planning Enforcement Officer also outlined that local Planning Officers had been consulted on the matter and that as it stood, there was not enough information to state whether planning permission would likely be granted. He believed that Essex County

Council needed to be consulted for customer parking as well on the means on delivering goods. He pointed out that there was also no information on how waste on the site was to be disposed of.

He informed the Sub-Committee that the Planning Enforcement Team had recently spoken with the applicant via a phone call, and they had said that they did intend to submit a planning application, but nothing had yet been received.

QUESTIONS TO OFFICER	ANSWERS OF OFFICER
<p>If the license which you state was granted today and they didn't get planning permission, then what would be the procedure after that?</p>	<p>There are many things that we can do as an Authority, we have to assess the impact on the local environment, we have to take into account that it is a residential development it's not a rural location, if it was to open at 6:00 we have to then question at what time would deliveries occur, is it that they're going to receive at 5:00 in the morning; are they going to be unsociable hours?</p> <p>As an Authority we can then put a stop notice in, but this of course incurs legal action, so there's other costs that could be incurred to the Council potentially. In enforcement as you may be aware everything is potential, we have to assess it on its merit at the time, but yes we have got ways of stopping it if need be, but we would have to cross that bridge when it comes to it, hopefully not but we have to determine it at the time.</p>

The Sub-Committee then heard from the applicant's agent.

"Thank you Chair, since you have already seen the applications and all the steps that we are taking to promote the licensing objectives, I will go straight into addressing the objectives or objections. Coming back to the planning matter, this is being handled by planning consultants, I think they have been in contact already, so that will be handled, when we put the application in, we didn't know it was needed, so know that we have come to know that there's planning permission needed, it's going through. I don't see a reason it will be rejected, but it's the process that need to go through. The Planning Officer mentioned a number of things, like parking, I know it's not part of the licensing objectives so it can't be assessed. But we are planning parking for at least four cars in the front so there is that. Other things like waste management that will all be handled, there is space, it was a social club, and they had been handling it.

At the moment the landlord is involved in terms of planning, so they are supporting the whole process at the moment, so that's where we are with in terms of planning. Coming back to the hours as we are here for licensing not for planning. We applied for hours between 6:00am and midnight, that is the opening hours of the premises, so what we would like to do is not have the licensing and the opening hours, the same hours. At the

moment we haven't had planning permission but there's no reason the opening hours cannot be provided until midnight since the social club already have been licensed until 23:00, but I'm not sure what were the opening hours, as we don't have much detail, about the planning hours of the Social Club.

The licensing hours, those concerns raised by the objector, point number two concerning people coming out of the pub or bar, buying alcohol from here and hanging around or throwing bottles. That is a concern and it's not been evidenced. It's not been happening, if there were things like that happening that would already have been happening because there is a supermarket closing at 11pm.

We don't see opening an extra hour until midnight would contribute to any problems, as we have no evidence that there are problems at the moment in terms of people drinking in the streets or throwing bottles or cans.

The location is a mostly commercial place, I think it will be a great addition for I mean the way we looked at it we I looked at it is the applicant is putting in an investment to bring that building to life, which is really great for local businesses.

In terms of this convenience store, a lot of places close at 11:00pm, this store means people could come and do their shopping late at night. We understand there are the premises like Co-op and Tesco, but this is about a choice and that the people have a choice of products and prices and other services, which is really great for the community.

There is parking out front for four customers and this kind of supermarket don't normally get early morning deliveries or late-night deliveries, they normally happen between like 8:00 a.m. or 9:00 a.m. to between 5: 00p.m in the evening, so that wouldn't be a concern really, but again you know when we I'm sure the planning people will handle that with a condition.

Coming back to licensing, I think for us we don't see any reason or any concerns that impact the licensing objectives, opening either in the morning 6:00 at midnight thank you”.

QUESTIONS TO APPLICANT	APPLICANT'S ANSWERS
How come planning permission wasn't sought before the licence application?	It was operated as a social club so I think it was just the assumption we made that it would be a class E, that it was converted into class E during that conversion period during Coronavirus. I think we should have checked it, but we didn't do it, even the landlord didn't know about it the agents didn't know about it either. Finally, we are here, the planning application would be done before the premises opens as a Supermarket.
When will the planning application be submitted?	It is with our planning consultants now and they will bring it forward when it is ready.
Would you be willing to change your opening hours?	I think the hours on our application fit in with the other local businesses in the area.

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate this matter. The Head of Legal Services (Linda Trembath) and the Committee Services Officer (Keith Durran) retired with the Sub-Committee in case they were asked to assist Members in those deliberations.

Upon the resumption of the meeting and upon being asked by the Chairman, the Head of Legal Services confirmed that she had not proffered any legal advice to the Sub-Committee during its retirement.

The Sub-Committee unanimously **RESOLVED** the following decision:-

“Premises/Personal Licences Sub-Committee meeting Monday 9 September 2024

This application is for a premises licence for the premises known as King’s Local, at 65-67 King’s Avenue, Holland-on-Sea, Essex for the sale of alcohol between the hours of 6 am and midnight seven days a week.

The premises was a social club, which in planning terms is use F2. A convenience store is use class E and therefore there needs to be a planning application to change the use of the premises. That is an important aspect in this matter and has caused us some concern because if we grant a licence, until the applicant has the relevant planning permission the applicant should not be opening at all. Of course, if planning permission is granted the hours that permission may allow the premises to open may be different from the hours of any premises licence we grant on this application.

Currently not only is there no planning permission for the change of use of the premises, but no planning application has been made. This Committee are concerned that in granting the application now, the applicant would open the premises and commence trading even if planning permission has not been granted and that could involve the authority in taking action against the applicant, including through the Courts. This Committee very strongly advise the applicant not to open the premises for any trading until such time as she has the relevant planning permission.

In addition to the current lack of planning permission, we note the concerns around both customer parking and the delivery of goods, as well as questions around the disposal and removal of waste. The applicant would be well advised to talk to the relevant Council officers and work with them to address the various issues, and to do so as quickly as possible.

Accordingly, although the Committee will grant this application, albeit with slightly reduced hours, they very strongly advise the applicant to apply for a change of use in the planning permission and to make that application today.

This application is granted for the sale of alcohol between the hours of 6.00 and 23.00 hours daily, Monday to Sunday”.

The meeting was declared closed at 11.42 am

Chairman