

LICENSING SUB-COMMITTEE HEARINGS

16 DECEMBER 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors Margaret Kimberley

1. Appointment of Chairman // Membership

Councillor Blandon was not in attendance at the meeting and the applicant's consent had been requested and obtained to proceeding with the hearing with two Councillors.

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• **K & M Convenience Store**

The Sub-Committee considered an application for the grant of a premises licence in respect of K&M Convenience Store, 37 Mile End Road, Colchester to permit the supply of alcohol.

In Attendance

Applicant: Mr Oakes, Solicitor for the applicant; Mr A Bajaj

Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuel, Legal Services; Mrs White, Committee Services Officer (Licensing)

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that 3 representations had been received from interested parties; Myland Community Council; a local business; and local residents. The objections concerned the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. It was noted that matters concerning highway safety, planning and need for another premises to sell alcohol were not matters that could be considered by the Sub-Committee under the terms of the Licensing Act 2003. There were no outstanding representations from responsible authorities, the applicant having agreed amendments to the operating schedule with the Police. The objectors were not at the hearing to present their cases. The Chairman confirmed that the representations had been read by the Sub-Committee members.

The applicant's representative Mr Oakes presented the application and outlined the experience of the applicant and his father in running licensed premises. The sale of alcohol was intended to be ancillary to the sale of other general store items and to meet the needs of local people. Its close proximity to other stores selling alcohol was noted. The premises had off street parking at the rear for patrons and a bin was provided at the premises for trade waste.

The Decision

RESOLVED that the application be granted as applied for to permit the supply of alcohol and the premises to be open from 07.00 to 23.00 Mondays to Sundays inclusive.

Conditions

The licence was granted subject to the conditions set out in the operating schedule and the mandatory conditions as applied by the Licensing Act 2003.

Reasons for the Determination

The Sub-Committee had given careful consideration to all the representations and evidence, and was satisfied that the concerns raised in the representations from the interested parties were adequately addressed by the applicants' operating schedule. The Sub-Committee considered that some of the evidence presented by the interested parties was not within the remit of the Sub-Committee. The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. For the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to the operating schedule and to the relevant mandatory conditions in the Licensing Act 2003.

4. Close of Meeting

The meeting closed at 10.25.