

LICENSING SUB-COMMITTEE HEARINGS

19 JULY 2013

Present :- Councillors Julia Havis, Margaret Kimberley and Michael Lilley

1. Appointment of Chairman

Resolved that Councillor Havis be appointed Chariman of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meetings held on 24 May and 28 June 2013 were confirmed as correct records.

4. Applications 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.

- Shop at 83 Barrack Street, Colchester

The Sub-Committee considered an application to vary the premises licence in respect of a shop at 83 Barrack Street, Colchester for a new premises licence.

In Attendance

Applicant Mr Aylott, applicant's representative
Mr Kandasamy, applicant

Licensing Authority Mr M Nelson, Food Safety & Licensing Manager

Mr C. Samuel, Legal Services
Mr S Swain, Licensing Specialist Unit
Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. Two representations had been received opposing the application on the grounds that if granted it would result in an increase of anti-social behaviour and public nuisance. The representations mentioned other issues such as traffic and the need for the premises given that there were others in the area that sold alcohol but these were matters that could not be considered by the Sub-Committee in reaching its determination.

In presenting the application Mr Aylott drew the Sub-Committee's attention to the operating schedule which contained a comprehensive list of conditions that would be applied to the grant of the licence. In response to questions from members of the Sub-Committee Mr Aylott confirmed that the applicant intended to operate the premises with one member of staff during the day and two in the evening and until closing time. Mr Kandasamy was a personal licence holder and would train all members of staff appropriately.

RESOLVED to permit:-

- The supply of alcohol off the premises and for the premises to be open Mondays to Sundays inclusive from 06.00 to 00.00

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant. The Sub-Committee noted the conditions specified on the operating schedule and was satisfied that the concerns raised by objectors were adequately addressed by these conditions. It also noted the assurances given by the applicant that proper staff training would be given in respect of all aspects of the operating schedule. It was mindful that its decision must be an appropriate and proportionate response aimed at the promotion of the licensing objectives and the Sub-Committee was satisfied that the most appropriate way forward was to grant the application.