

LICENSING SUB-COMMITTEE HEARINGS

15 AUGUST 2008

Present :- Councillor Barrie Cook (Chairman)
Councillors Nick Cope and Richard Martin

1. Membership

There were no changes to the membership of the Sub-Committee.

2. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

3. Declarations of Interest

There were no declarations of interest.

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.

5. Fiveways Post Office, 66 Blackberry Road, Stanway, Colchester, Essex

The Sub-Committee considered an application in respect of Fiveways Post Office, 66 Blackberry Road, Stanway to permit the sale of alcohol.

In Attendance

Applicants: Mr Hook, Advocate; Mr Baker, solicitor for the applicant; Mr S Tharaneetharan, Designated Premises Supervisor

Residents: Councillor Scott-Boutell on behalf of Messrs Lungley, Mrs Munson, Mr Stevenson

Officers: Mr Weavers, Legal Services and Mr Harvey, Licensing Manager

The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that letters of representation had been received from local residents in respect of the application.

Mr Hook presented the application on behalf of the applicant. He explained that under the terms of the Licensing Act 2004 it was a modest application seeking a licence to sell alcohol until 22.00. The premises was a small convenience store with a Sub Post Office and the applicant wished to extend his business by adding a small off licence to meet the needs of his existing clientele. The premises would shortly become part of the MACE Express chain. Mr Hook explained that there was a flat above the premises which had been occupied by the applicant and his family and would in future be occupied by a member of staff which would ensure that there was someone on the premises to deal with any problems that may arise.

In addressing the Sub-Committee residents referred to their concerns that the grant of any licence would result in a rise in anti social behavior. In responding to these concerns Mr Hook commented that these were based on residents' experiences of a former off licence and were not relevant to the application before the Sub-Committee. The designated premises supervisor had 16 years experience and was confident that he could deal with any problems that may arise. Representations had not been received from the responsible authorities and there had been no criticism in the residents' letters concerning the operation of the premises or of the operating schedule included as part of the application. The Licensing Manager gave guidance on the Licensing Act advising that under the terms of the Act the application was a modest one and sought opening hours that were less than would have been granted under the 1964 licensing legislation. The 2003 Act provided that shops and supermarkets should be allowed to trade unless a negative impact on the licensing objectives could be demonstrated.

The Decision

RESOLVED that the Sub-Committee gave careful consideration to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received in writing and the submissions made at the hearing by both the applicant and his representative and by local residents and determined to grant the application as applied for to permit-

- the supply of alcohol off the premises for the following hours-

06.00 to 22.00 Mondays to Sundays inclusive

- the premises to be open for the following hours-

06.00 to 22.00 Mondays to Sundays inclusive

Subject to the following conditions-

Imposed by the Sub-Committee

- That adequate waste containers be provided at the premises and emptied as a minimum at the end of each day.

Provided on the Operating Schedule

- The provision of a CCTV system with recording facilities.
- The provision, completion and recording of appropriate staff training.
- Training records to be made available for inspection upon reasonable request by a relevant officer of a responsible authority.
- Provision of a training manual.
- Operation of a refusals book.
- Challenge 21 scheme and PASS accredited proof of age initiative to be operated by all staff.
- Spirits to be located behind the counter.

Mandatory condition where the licence authorises the supply of alcohol

1) that no sale of alcohol may be made under the premises licence-

a) at a time when there is no designated premises supervisor in the respect of the premises licence, or

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2) that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

6. Close of Meeting

The meeting closed at 12.00.