

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Thursday, 10 November 2022 at 2:00 PM**

Members of the Sub-Committee present:

Councillor Tony Cooper, Councillor Colin Hedgley, Councillor Mark Newton

Officers present: Teresa Bailey (Senior Licensing Officer), Ben Bix (Democratic Services Officer), Martin Clarke (Legal Advisor), Leonie Houlton (Licensing Officer), Jemima Shaw (Trainee Solicitor), Alli Stone (Democratic Services Officer)

Others present: The applicant and a family member

1 Election of a Chairman

On the proposition of Councillor Hedgley, seconded by Councillor Cooper it was

RESOLVED

That Councillor Newton be elected as Chairman of this meeting of the Sub-Committee.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

No declarations of interest were made.

4 Declarations of Lobbying and Responses to Lobbying

Councillor Cooper declared that he had been lobbied on the item on the agenda and confirmed that he had directed all those who had contacted him to submit their comments to the Licensing Officer.

5 Variation of Premises License, Leiston Newsagent, 75 High Street, Leiston, IP16 4BX

The Committee received report **ES/1338** of the Licensing Officer, which related to the variation of a premises license for Leiston Newsagent.

The meeting was adjourned from 2.10pm to 2.20pm due to technical issues.

The Licensing Officer summarised the report and advised that a hearing had been required as two representations against the application had been received. The summary grounds for the representations were that early morning licenced hours would lead to increase noise and disturbance for local residents and increased anti-social behaviour.

The Sub-Committee was asked to determine the application for a Variation of Premises License, taking into account guidance issued under Section 182 of the Licensing Act 2033, the Council's Statement of Licensing Policy and the Human Rights Act 1998. The Sub-Committee was also asked to state its reasons when announcing its decision.

The Licensing Officer confirmed that all responsible authorities had been informed of the application, and no objections to the application had been submitted. The Licensing Officer also confirmed that the comments from Leiston Town Council were submitted as an objection.

The Chairman invited the applicant to address the Sub-Committee.

The applicant stated that they wished to make their existing licence more flexible to enable them to open earlier for shift workers moving into the area. They also offered a home delivery service and customers were asking for alcohol as part of this, but the hours of their licence meant they were limited on when deliveries could take place. The newsagents opened at 6am and they wished to bring the licence in line with this to make things easier.

Councillor Cooper referred to the existing licence which had different hours on different weekdays and asked if this would continue. The applicant stated that they had put the same hours for each day to allow for more flexibility, but it was not the case that the shop would be opened for these hours seven days a week. The Licensing Officer confirmed that opening hours and licensable hours did not have to be the same, the shop could open at any time but would just be restricted in what they could sell.

Councillor Hedgley asked the applicant whether they had any issues with antisocial behaviour in the past. The applicant confirmed they had not had any issues at any time of day.

The Legal Advisor asked how they policed the delivery of alcohol. The applicant stated that they knew their customer base well, especially those who had goods delivered, and generally these were older customers who could not leave home.

The Sub-Committee adjourned with the Legal Advisor and Democratic Services Officer to make its decision.

On the return of the Sub-Committee, the Chairman read the decision notice as follows.

DECISION NOTICE

The Applicant has applied for a variation to the premises licence at Leiston Newsagent 75 High Street, Leiston, IP16 4BX which would change the following licensable activities to:

Supply of alcohol (off sales)

Proposed - Monday to Sunday 05:30 to 23:00

Proposed opening hours – Monday to Sunday 05:30 to 23:00

This Sub-Committee has been held as one representation against the application had been received from Leiston-cum-Sizewell Town Council, and one representation against the application had been received from an 'other person' on the grounds that this would increase anti-social behaviour.

The Sub-Committee heard from the Licensing Officer and the applicant.

The Sub Committee first heard from the Licensing Officer who confirmed that there had been no objections from responsible authorities.

The applicant stated that they wished to change the hours of their licence to bring them in line with the opening hours of the premises and to take advantage of more customers wishing to purchase alcohol earlier in the morning. The applicant also offered a delivery service whereby customers could receive goods from the shop, and some customers had asked for alcohol deliveries as part of this, but the applicant was restricted by the licensing hours. The applicant also wished to serve increased numbers of night shift workers in the area.

When questioned the applicant confirmed that they had never had any issues serving customers or with anti-social behaviour.

The Sub-Committees decision

The Sub-Committee, having considered the representations from the applicant and the licensing officer, have decided to grant the application.

Reasons for decision

Whilst the Sub Committee notes the objection in respect to anti-social behaviour, the Sub Committee recognises that no responsible authority has objected and in accordance with point 9.12 of the Statutory Guidance the Sub Committee considers the absence of any objection to carry great weight, in particular the Sub Committee would have expected the Police and/or the Council's Environmental Protection Team to object if they have any concerns.

The Sub Committee also noted 10.15 of the Statutory Guidance which stated that stores should be free to provide sales of alcohol for consumption off the premises at any time unless there was a good reason to restrict these hours in line with the licensing objectives. Paragraph 6.1 of the local guidance provided similar guidance. Given the above, the Sub Committee is of the opinion that the Licensing Objectives can be met with the amended license hours.

Should any issues occur in the future, the license could be reviewed.

In making its decision the Sub-Committee considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance, and Human Rights Act 1998.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 10 November 2022

The meeting concluded at 3.20pm

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Chairman