

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 18 July 2023 at 10.00am.**

**Members of the Sub-Committee present:**

Councillor Deborah Dean, Councillor Mark Jepson, Councillor Lee Reeves, Councillor Ed Thompson

**Officers present:**

Teresa Bailey (Senior Licensing Officer), Jodie Fisher (Licensing Officer), Matt Makin (Democratic Services Officer (Regulatory)), Alli Stone (Democratic Services Officer (Governance)), Jemima Shaw (Legal Advisor)

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**1 Election of a Chair**

On the proposition of Councillor Dean, seconded by Councillor Reeves, it was

**RESOLVED**

That Councillor Mark Jepson be elected Chair of the Licensing Sub-Committee for the meeting.

**2 Apologies for Absence**

No apologies for absence were received.

**3 Declarations of Interest**

No declarations of interest were made.

**4 Declarations of Lobbying and Responses to Lobbying**

No declarations of lobbying were made.

**5 New Premises Licence - Framlingham Local Stores**

The Sub-Committee received report **ES/1607** of the Licensing Officer, which related to an application for a new premises licence at Framlingham Local Stores.

The Chair invited the Licensing Officer to summarise the report. The Sub-Committee was advised of the details of the application and that a hearing had been convened as one relevant representation had been received from other persons. The Licensing Officer noted that there had been no objections to the application from any of the responsible authorities consulted.

The Sub-Committee was advised that three objections to the application had originally been received and that in response the applicant had amended the hours being applied for to:

Opening hours – Sunday to Wednesday 08:00 to 18:00 and Thursday to Saturday 08:00 21:00

Sale of alcohol - Sunday to Wednesday 08:00 to 18:00 and Thursday to Saturday 08:00 21:00

The Licensing Officer highlighted that following these amendments, two of the objections were subsequently withdrawn.

The Sub-Committee was informed that when taking its decision it was required to consider the guidance issued under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998, giving full reasons should it have reason to depart from these points.

The Sub-Committee was asked to determine the application by either:

1. Granting the application subject to any mandatory conditions and to those consistent with the application.
2. Granting the application subject to the same conditions but modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives
3. Rejecting the application.

The Sub-Committee was asked to state its reasons when announcing its decision.

The Chair invited questions to the Licensing Officer. In response to a query from Councillor Reeves, the Licensing Officer confirmed that the neighbouring Co-op supermarket's licensable hours for off-sales were Monday to Saturday 07:00 to 22:00 and Sunday 10:30 to 22:00.

Councillor Jepson asked if there was any knowledge of anti-social behaviour in Framlingham related to the off-sales of alcohol. The Senior Licensing Officer responded that she was not aware of any such issues being reported to the Licensing team and that the Police, a statutory consultee, had not raised these issues in their response to the application.

There were no questions from the applicant, the objector, or the Legal Advisor.

The Chair invited Mr LN, the applicant, to make his representation. Mr LN said he had operated similar premises for over 20 years as a licence holder with no issues; he stated he would follow the conditions of the premises licence at all times and would be operating the "Challenge 25" scheme for all age-restricted products. Mr LN noted he had received positive feedback from Trading Standards after challenging an underage test purchase at another of his premises.

The Chair invited questions to Mr LN. Mr LN confirmed he would be the Designated Premises Supervisor (DPS) and that another family member who would assist in running the store was a personal licence holder. Mr LN said all his staff would receive full training on the sale of alcohol.

Councillor Dean asked if a record of training was held. The Licensing Officer said that as the premises was not yet trading, no such record existed but would be required should the licence be granted. The Licensing Officer said that the inclusion of a member of staff with a personal licence provided confidence to the Licensing team.

The objector, Mrs CQ, asked Mr LN what his premises would be selling and the reasons for opening a store. Mr LN explained that in addition to alcohol his convenience store would be selling groceries, tobacco and fresh food. Mr LN said he had seen an opportunity to create jobs and bring an unoccupied retail unit back into use in Framlingham.

There were no questions from the Legal Advisor.

The Chair invited Mrs CQ to make her representation. Mrs CQ said that the police presence in Framlingham was much depleted and living in the centre of the town she was aware of all kinds of activity going on. Mrs CQ said that she lived on the route home from other licensed premises and saw another life in Framlingham in the evenings; she added that there were also issues with young people drinking on the street in Framlingham.

Mrs CQ said that she objected to the application as she was concerned about the welfare of young people. Mrs CQ explained that children and young people will attempt to obtain alcohol through whatever means to bypass age restrictions and that if there were less opportunities to do so, it made it easier to prevent underage purchases.

Mrs CQ said that Friday nights in Framlingham were busy and with very little police presence and considered the proximity of the premises to a takeaway outlet would encourage people to eat and drink on nearby public benches. Mrs CQ said the proposed premises would be detrimental to the health of young people as it would provide another opportunity to purchase alcohol.

Mrs CQ concluded that there was an underbelly of alcohol misuse in Framlingham and did not want to see it encouraged. Mrs CQ appreciated that the applicant had amended the proposed hours but noted that other licensed premises for off-sales were located nearby and did not see the need for a further premises, given the negative impact she considered it would cause.

The Chair invited questions to Mrs CQ. In response to a question from Councillor Reeves, Mrs CQ said the existing issues with young people and alcohol were spread across Framlingham, particularly when the public houses closed of an evening. Mrs CQ said she had observed lots of street drinking in the area.

The Licensing Officer asked Mrs CQ if she reported her concerns to the Police. Mrs CQ said she had reported incidents of dangerous behaviour.

There were no questions from the Legal Advisor.

The Chair invited the Licensing Officer to sum up; she had nothing further to add.

The Chair invited the applicant to sum up. Mr TS, the applicant's agent, said Mr LN was very experienced in running similar operations and had always co-operated with the authorities. Mr TS highlighted that Mr LN had accepted all the amendments proposed by the statutory consultees and that the premises would be closed before the other licensed premises in the area.

The Chair invited Mrs CQ to sum up. Mrs CQ reiterated that her objections were based on protecting the health and safety of young people, minimising the risk of underage drinking and adding to existing noise and disturbances.

The Sub-Committee adjourned with the Legal Advisor and Democratic Services Officer to consider its decision. On its return the Chair read the following decision notice:

"Mr LN (the applicant) has applied for a new premises license at Framlingham Local Stores, 22 Bridge Street, Framlingham, to permit the sale of alcohol for off sales from Sunday to Wednesday 08:00 to 18:00 and Thursday to Saturday 08:00 to 21:00.

This Sub-Committee has been held as one representation against the application had been received from a local resident. The representation references the proximity of the premises to a takeaway shop which serves many young people, and that the sale of alcohol may encourage these customers to purchase it as underage drinkers. The representation also considered that the opening hours were unsociable and could cause local disturbances in the later evening, especially if people are drinking alcohol in the nearby vicinity.

The Sub-Committee first heard from the Licensing Officer, who summarised the report. When questioned, the Licensing Officer stated that they were not aware of any anti-social behaviour or any issues raised by the Police in the local area.

The Sub-Committee then heard from the applicant, who informed that he had been running similar operations for approximately 20 years with no previous issues and had received positive feedback from Trading Standards after challenging an underage operative test purchase. The applicant's agent said that the applicant was opening the store to create employment in the area.

There was one representation from an interested party, who objected to the application. The objector's main concern was in relation to the welfare of young people, stating that another off-licence in the area would create temptation for

underage drinking and would exacerbate what she perceived to be existing issues in Framlingham. The objector also referred to her perceived impact of anti-social behaviour and general noise disturbance associated with other licensed premises in the area.

### **The decision of the Sub-Committee**

The Sub-Committee, having considered the application, the Licensing Officer's report and the representations received from the applicant and the objector. The Sub-Committee has decided to grant the application, subject to the conditions within the licence.

### **Reasons for decision**

In arriving at this decision, the Sub-Committee has taken into consideration the representations of both the applicant and objector as well as the Licensing Officer's report. The Sub-Committee also 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.

The Sub-Committee noted the representations from the interested party, however some of the points made fell outside of the licensing objectives. The health and safety of young persons, whilst important, is not considered to be at detriment directly as a result of the approval of this licence. The applicant will impose a "Challenge 25" scheme, will display signage, and operate CCTV to prevent the sale of alcohol to underage persons.

The Sub-Committee took great weight in making its decision upon the lack of responses from responsible authorities, most notably the Police in relation to anti-social behaviour within Framlingham.

The Sub-Committee also considered the Council's own guidance in relation to licensing objectives and note that there is not currently a policy in place in relation to competition of similar premises. Therefore, the Sub-Committee should consider the impact of a new licence on individual merit. As the applicant agreed to amend the hours applied for, the Sub-Committee is confident that the applicant is capable of promoting the licensing objectives.

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

Date: 18 July 2023"

The meeting concluded at 11.43am.

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Chair