



LICENSING SUB-COMMITTEE

Wednesday 4th October 2023

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Algorial Retail Ltd
Address of Applicant(s):	9 Edmonds Close, Meopham, Gravesend, DA13 0NB
Type of applicant (Premises Only):	Company
Name of Premises:	Halesworth Local
Address of premises:	27 Market Place, Halesworth, IP19 8AY
Description of Premises:	Convenience store

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Supply of alcohol (off sales) and Late-Night Refreshment (indoors).

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	Halesworth and Blything
------------------------	-------------------------

Cabinet Member:	Councillor Mike Ninnmey, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houlton Licensing Officer 01502 523624 Leonie.Houlton@eastssuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – off sales

Monday to Sunday 06:00 to 00:00

Late night refreshment – indoors

Monday to Sunday 23:00 to 00:00

2. PROPOSED OPENING HOURS

Monday to Sunday 06:00 to 00:00

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General

This is a brand-new business venture and the site, which is currently empty, is to be refurbished to become a new, modern and professional general convenience store.

The new shop will sell a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, snacks, confectionery, etc.

The applicant, an experienced retailer and a personal licence holder, would like to include some alcohol sales to allow the business to develop and offer the complete all-round convenience service. The focus of the shop will be as a general convenience store with the proposed alcohol sales just being a part of the overall business.

A detailed and robust operating schedule is proposed to promote the licensing objectives;

Prevention of crime and disorder

A CCTV camera system capable of providing good quality images in all lighting conditions shall be used. Cameras shall cover inside the shop and the area immediately outside. Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).

The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing underage sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities

The PLH and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Spirits will be kept behind the counter.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.

The premises shall operate an alcohol refusals policy - alcohol will not be sold to;

(1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

(2) Any person found to be drinking alcohol in the street;

(3) Any person who is drunk or appears to be drunk;

(4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;

(5) Any person unable to provide valid ID when requested by staff;

(6) Any person who is verbally or physically abusive towards staff or customers.

(7) To any person suspected of trying to buy alcohol for another person(s) who may be underage.

A notice advising customers of the refusals policy shall be on display.

Public safety

No specific risks have been identified under the Licensing Act 2003

(Note - the PLH is aware of the need to comply with other legislative requirements to ensure that the shop is safe for customers and staff).

Prevention of public nuisance

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

Notice(s) shall be on display in the premises asking customers to leave the premises quietly and not to congregate outside the shop.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Protection of children from harm

The shop shall adopt the Challenge 25 Policy.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

A notice shall be displayed in the premises where it can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

A plan of the premises is attached as **Appendix A**.

4. REASON FOR HEARING

4.1 Twelve representations against the application have been received from other persons.

4.2 The applicant has been provided with a copy of the representations and these are attached as **Appendix B** for members of the Sub-Committee.

4.3 Summary of grounds for representation:

This is a quiet residential area that already has issues in surrounding public areas with drinking and problems that stem from this including anti-social behaviour. There would be the potential for issues with noise from deliveries, people visiting the premises especially in the early or late operating hours, and from increased traffic. The late hours for the sale of alcohol from 6am until midnight are of concern and could cause anti-social issues with drunk customers and customers may loiter in the area.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above, it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused

or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 27th September 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

- 6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

- 6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	A plan of the premises
Appendix B	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	