



## LICENSING SUB-COMMITTEE

Wednesday 7 October 2020

### APPLICATION FOR A NEW PREMISES LICENCE – Co-Op, Sycamore Drive, Rendlesham

<b>Type:</b>	New – Premises Licence
<b>Name of Applicant(s):</b>	Co-operative Group Food Limited
<b>Address of Applicant(s):</b>	1 Angel Square, Manchester, M60 0AG
<b>Type of applicant (Premises Only)</b>	Company
<b>Name of Premises:</b>	Co-op
<b>Address of premises:</b>	Sycamore Drive, Rendlesham, IP12 2BF
<b>Description of Premises:</b>	Convenience store, open every day selling groceries, sundry items, and alcohol for consumption off the premises.

#### EXECUTIVE SUMMARY:

This is an application for a new Premises Licence.

The application seeks to permit the sale of alcohol for consumption off the premises.

Is the report Open or Exempt?	Open
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Wards Affected:	Rendlesham & Orford
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<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Houlton Licensing Officer 07733 362154 <a href="mailto:leonie.houlton@eastsoffolk.gov.uk">leonie.houlton@eastsoffolk.gov.uk</a>

## 1. PROPOSED LICENSABLE ACTIVITIES

### Sale of alcohol – off sales

Monday to Sunday 06:00 to 23:00

## 2. PROPOSED OPENING HOURS

Monday to Sunday 06:00 to 23:00

## 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

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

### Prevention of Crime and Disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises will be fitted with a burglar alarm system.

6. The premises will be fitted with a panic button system for staff to utilise in the case of an

emergency.

#### Public Safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

#### Prevention of Public Nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

#### Protection of Children from Harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

2. An age till prompt system will be utilised at the premises in respect of age restricted products.

3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

The application including a plan of the premises is attached as **Appendix A**

### **4. REASON FOR HEARING**

4.1 Two 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:

Concerns over selling alcohol near a primary school, also that high strength cheap alcohol would be available for 15 hours a day which may encourage street drinkers to the area. This could also lead to an increase in crime and disorder.

Increased public nuisance in a residential area due to the length of time the premises will be open such as, car doors slamming, staff and customers arriving early/leaving late, noise from deliveries and litter left by customers.

4.4 In response to the representations received the applicant has provided further information which includes a Block Plan for the premises, a new colleague welcome pack and a presentation concerning Age Matters. These additional documents have been forwarded to the people who made representations and are attached as **Appendix C** for members of the Sub-Committee.

### **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 30<sup>th</sup> September 2020 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.

<b>APPENDICES</b>	
<b>Appendix A</b>	Application form and plan of the premises.
<b>Appendix B</b>	Representations
<b>Appendix C</b>	Additional information provided by the applicant

<b>BACKGROUND PAPERS</b>	
None	