



LICENSING SUB-COMMITTEE

Wednesday, 12 May 2021

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Mr Rajendran Rajmoan
Address of Applicant(s):	18 Lydeard Road, East Ham, London, E6 2AB
Type of applicant (Premises Only):	Individual
Name of Premises:	no name as yet
Address of premises:	120 St Peters Street, Lowestoft, NR32 1UD
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)

Is the report Open or Exempt?	Open
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Wards Affected:	Harbour & Normanston
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houtt Licensing Officer 07733 362154 Leonie.houtt@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – off sales

Sunday to Thursday	07:00 to 23:00
Friday and Saturday	07:00 to 00:00

2. PROPOSED OPENING HOURS

Sunday to Thursday	07:00 to 23:00
Friday and Saturday	07:00 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

The premises licence holder will work with the licensing authority and other bodies to ensure that all required legislation is fully complied with. The premises licence holder offers the following conditions consistent with the operating schedule;

Prevention of crime and disorder

The premises licence holder shall ensure that the premises shall install and maintain a close circuit television (CCTV) system.

The premises licence holder shall ensure the CCTV system shall continually record whilst the premises is open for licensable activities and signage to this effect is to be displayed.

The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 31 days. Recordings shall be made available following the reasonable request of police or authorised officer throughout the proceeding 31 day period on production of the appropriate data protection request form.

Public safety

The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.

The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to the police and the local authority officers upon reasonable request.

Prevention of public nuisance

The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the need of local residents and to leave the area quietly.

Protection of children from harm

The premises licence holder shall operate a Challenge 25 or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of

age that he or she is over 18. Proof of age shall only comprise of a passport, photocard, driving licence or an industry approved 'proof of age identity' card.

The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that Challenge 25 or similar scheme operates in the premises.

The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product sought; the gender and the approximate age of the customer, together with a description of the customer. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

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

4. REASON FOR HEARING

4.1 One representation against the application has been received from other persons.

4.2 The applicant has been provided with a copy of the representation and this is attached as **Appendix B** for members of the Sub-Committee.

4.3 Summary of grounds for representation:

That the area already has a high level of crime and anti-social behaviour. There are already 3 licenced shops locally and that by adding another one would only increase the likelihood of further issues.

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 5th May 2021 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	Application form including a plan of the premises
Appendix B	Representation

BACKGROUND PAPERS - None
