



LICENSING SUB-COMMITTEE

Monday, 28 June 2021

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	Miss Jennifer Constantine
Address of Applicant(s):	241 Pinner Road, Harrow, HA1 4EX
Type of applicant (Premises Only):	Individual
Name of Premises:	Saxmundham Local
Address of premises:	6-8 Market Place, Saxmundham, IP17 1AG
Description of Premises:	Shop

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Off sales of alcohol

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

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – off sales

Monday to Sunday 06:00 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

1. A Comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system must be capable of providing pictures of evidential quality, in particular facial recognition. All recordings must be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of a Police or Authorised Officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

3. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.

4. Premises to keep up to date records available for inspection of staff training in respect of age related sales.

5. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all time whilst the premises are open.

6. The premise 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.

Prevention of crime and disorder

As detailed above.

Public safety

As detailed above.

Prevention of public nuisance

As detailed above.

Protection of children from harm

As detailed above.

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 another person.

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

4.3 Summary of grounds for representation:

The main concerns are the noise nuisance that could occur due to customers in cars playing music and the car doors closing, as well as the lights from the cars especially after 23:30 when the streetlights are turned off.

Another concern is the potential for people to gather outside the premises after other licenced premises in the area close and this might end in vandalism, drunken behaviour or even violence and drug dealing, which the town already has a problem with. This could also lead to anti-social behaviour. Concerns were also raised about young people trying to get alcohol late at night, if the licence is granted until mid-night. This also could bring unknown people into the town.

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 21st June 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	Representations (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	