

**Unconfirmed**



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton on **Monday 12 July 2021 at 10:30 am**

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

Councillor Edward Back, Councillor Linda Coulam, Councillor Tony Goldson, Councillor Mark Newton

**Other Members present:**

Councillor Mary Rudd

**Officers present:** Katherine Abbott (Democratic Services Officer), Martin Clarke (Acting Legal and Licensing Services Manager), Karen Cook (Democratic Services Manager), Leonie Hoult (Licensing Officer)

**Others present:** Ms Sharon Barnes (Objector), Miss Jennifer Constantine (Applicant), Mr Suresh Kanapathi (Applicant's representative - Arka Licensing Consultants)

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**1 Apologies for Absence**

There were no apologies for absence.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Declarations of Lobbying and Responses to Lobbying**

There were no declarations of lobbying.

**4 New Premises Licence - Saxmundham Local, 6-8 Market Place, Saxmundham**

The Sub-Committee and all those participating in the meeting, physically or remotely, were reminded to remain muted when not speaking and that comments could still be heard by those in the meeting when the broadcast ended.

As this was a reconvened meeting from 28 June 2021, there was no need to formally elect a Chairman and it was confirmed that Councillor Coulam would chair. The Council's Legal Adviser referred to the sound and technical issues that had caused the adjournment of the meeting on 28 June 2021 and stated that, in order to be fair to all the parties, the Licensing Officer would summarise her report again.

The Licensing Officer summarised the published report. There had been one representation submitted in objection to the application, which had not been withdrawn, and, consequently, in accordance with the Guidance, the application needed to be considered by the Sub-Committee.

The Chairman invited questions of the Licensing Officer.

Councillor Newton asked if any of the Responsible Authorities had commented or raised concerns. The Licensing Officer said that no Responsible Authorities had replied or raised any concerns. Mr Kanapathi, the Applicant's Agent, and Ms Barnes, the Objector, had no questions for the Officer. The Legal Adviser asked what the terminal licensing hour of the nearby Bell Hotel with public house. The Licensing Officer said The Bell was licensed until 11pm on Monday to Saturday, and until 10.30pm on Sunday.

The Chairman invited Mr Kanapathi to present the application. He stated that the application promoted the licensing objectives. He said the Applicant, Ms Constantine, had run a premises in Epping for at least five years and, as such was fully conversant with the need to prevent crime and disorder, protect children from harm, and prevent public nuisance. To this end, highly effective CCTV would be at the premises that satisfied the requirements of the police; an incident record would be maintained; Challenge 25 would be fully implemented; and a training programme would be in place for all staff to complete. Mr Kanapathi said that a sign regarding the prevention of public nuisance was not yet in the operating schedule but the Applicant would be happy to add this if the Sub-Committee so wished. He referred to the fact that the Responsible Authorities had not raised any concerns. Mr Kanapathi said the Applicant had acted as a responsible licence holder and so, he suggested, was well placed to respond to the potential matters raised by the Objector, should they occur. He stated that the premises would basically be a local convenience store for local residents and that, as such, it would sell a range of goods and not just alcohol. Mr Kanapathi said there was no evidence to support the Objector's description of issues. He added that the Applicant, as an experienced retailer, would ensure additional staff were on the premises in the evening to manage any issues which might occur.

The Chairman invited questions.

The Chairman asked about the Applicant's previous experience. Mr Kanapathi said Ms Constantine had run a similar operation in Epping High Street and had worked in the retail trade before that (Tesco); he added that Ms Constantine was confident in her experience to run the business.

Councillor Newton asked if the Applicant would be the sole trader at the premises or if it was part of a franchise. Mr Kanapathi said Ms Constantine would be the sole trader, that it would be a family business and not part of a franchise; he added that this might be considered in the future. Councillor Newton asked why the licensing hours within the application had been sought. Mr Kanapathi said that modern lifestyles were busy and people needed to be able to shop as and when necessary or most convenient. The premises would be a convenience store and so would be open when people might need it. He reiterated that alcohol was not the only item sold.

Councillor Goldson asked if, outside the shop, it was single or double yellow (parking)

lines. Ms Constantine confirmed that it was single yellow line parking with 30 minutes free parking between Monday and Saturday.

Ms Barnes, the Objector, said the premises currently closed at 5.30pm and so, she suggested, the Applicant was not on site to witness anti-social behaviour that might occur later in the evenings. Ms Barnes also questioned the description of the location of the premises which she said was in a small street with residential houses opposite and flats above many premises; it was not, she stated, the main High Street of the town.

Mr Kanapathi said the closest public house was open until 12am at weekends and that the Applicant was not aware of anti-social behaviour taking place in the vicinity of the premises. He reiterated that the Police had not objected to the application and that CCTV was in place.

The Legal Adviser asked if the Applicant's previous licences had ever been subject to review or revoked. Mr Kanapathi stated that this had never happened.

The Chairman invited Ms Barnes to state her objections to the application. Ms Barnes queried why a licence to sell alcohol from 6am was necessary and said she was concerned that people with problems with alcohol might buy and drink this outside the premises. She added that licensing hours until 12am were excessive; this was, she said, a residential area within a sleepy market town. The two larger supermarkets within the town closed at 10pm which, she suggested, meant there was no requirement to be able to purchase alcohol beyond that time. Ms Barnes said she had tried differing opening and closing hours at her business and had found there was not a need after 10pm. Ms Barnes said she disputed the licensing hours. Ms Barnes said elderly people were unaware how to complain about any issues that might occur. She also said that street lighting went off at 11.30pm and suggested that the premises might therefore need outside lighting. Ms Barnes said she lived in Saxmundham and so knew the area well, she referred to the Applicant's home address in Harrow and asked if she intended to move to Saxmundham. Ms Barnes said she had held a licence for 25 years. She stated that customers of The Bell were unlikely to use the Applicant's premises but suggested that customers of The Tavern would. She referred to a problem with drugs within the town. Ms Barnes said the Applicant did not know the area and perhaps did not understand the market town. Ms Barnes said those using the premises would slam their car doors and have their radios playing which would create noise late at night. She referred to Zorbas, a local take away, which closed at 11pm and to an ATM which had resulted in noise from users.

Mr Kanapathi said the Applicant intended to live nearby.

The Chairman invited questions.

Councillor Coulam asked Ms Barnes if, during her time running a business in Saxmundham, she had experienced any incidents which had necessitated calling the police. Ms Barnes said she had had two incidents which had meant people had been banned from the shop for anti-social behaviour. Councillor Coulam asked Ms Barnes at what time of day the incidents had occurred and Ms Barnes replied 8.30pm and 9.30pm.

The Legal Adviser asked Ms Barnes what her licensing hours were. Ms Barnes said they were 8am until 11pm Monday to Saturday and 8am until 10am on Sunday. In response to a further question, Ms Barnes said she chose to close at 10pm as there was no trade after that time.

The Chairman invited each party to summarise. The Licensing Officer and Ms Barnes had nothing further to add to their earlier statements. Mr Kanapathi repeated that there was no evidence of a problem with anti-social behavior, that Ms Constantine would be a responsible licensee and was aware that, if not, the licence would be reviewed. He reiterated that the shop would sell a wide range of goods and added that the premises would be fully alarmed.

The meeting adjourned at 11.11am and reconvened at 12.20pm. The Chairman read the Decision of the Sub-Committee.

*This Sub-Committee meeting has been held as one representation against the application had been received from another person. In summary, the grounds for representation were noise nuisance from cars playing music and car doors closing; lights from cars after 23.30 hours when street lighting is switched off; the potential for people to gather outside the premises after other licensed premises close with the potential for vandalism, drunken behaviour, anti-social behaviour, violence, and drug-dealing; young people obtaining alcohol late at night; and unknown people in the town.*

*This application was made under Section 17 of the Licensing Act 2003 and determined under Section 12 of the same Act.*

*The Sub-Committee heard from the Licensing Officer, the Applicant's representative and one Objector, who is a local licensee themselves.*

#### *Licensing Officer's submission*

*The Licensing Officer summarised her report and, when asked, confirmed that no Responsible Authorities had raised any objections or commented on the application. The Officer also confirmed, when asked, that the nearest public house had hours of 11am until 11pm Monday to Saturday and 12pm until 10.30pm on a Sunday.*

#### *Applicant's submission*

*In addition to the contents of their application, the applicant's representative sought to assure the Sub-Committee that the applicant is an experienced license holder having held a licence for five years in Epping. The applicant also indicated that, if it would assist, they would add signs to try and discourage anti-social behaviour to the operating schedule. When asked, the applicant's representative confirmed that they intended to open between 6am and midnight, as per the application, and confirmed that the applicant intended to move to the area. Also, the applicant's representative confirmed that the applicant's previous licence had not been reviewed or revoked during the period she had held it.*

### *Objector's submission*

*The objector was concerned that the proposed opening hours would encourage anti-social behaviour due to people coming out of local licensed premises and causing disruption when purchasing more alcohol. They were also concerned that traffic at that time of night, including noise from car doors and music, would also cause a nuisance. The objector indicated that this was a small street with some residential properties. When asked, the objector confirmed that their license was from 8am until 11pm but chose not to open after 10pm due to lack of trade. The objector also stated that elderly residents were unsure how to complain about any anti-social behaviour and therefore, she suggested, the problem might be hidden.*

### *Sub-Committee's decision*

*Having considered the application, the Officer's report and the representations made at this Hearing, the Sub-Committee's decision is to allow the application as submitted.*

*The reasons for the decision are as follows:*

*The application proposes conditions that further the licensing objectives.*

*In relation to the Objector's concerns that granting the licence might cause a public nuisance and anti-social behaviour, the Sub-Committee noted that no Responsible Authorities had objected. The Sub-Committee therefore noted, under paragraph 9.12 of the statutory guidance, that Responsible Authorities be treated as experts in their respective fields and their representations should be considered carefully. In this case, neither the Police or Environmental Health raised any objections, and the Sub-Committee is confident they would have done so had they had any concerns about any of the licensing objectives.*

*In relation to opening hours, the statutory guidance at paragraph 10.15, and the Council's own Statement of Licensing Policy at paragraph 6.1, make it clear that unless there are good reasons to do so, based on the licensing objectives, the trading hours of any licensed premises should not be curtailed. In this case, there are no grounds, based on the licensing objectives, to refuse this application. Therefore, the application is approved.*

*In arriving at its decision, the Sub-Committee has taken into consideration the oral and written representations submitted by all parties, the guidance under Section 182 of the Licensing Act 2003, the Human Rights Act 1998, and the Council's Statement of Licensing Policy.*

*All parties are reminded that, in the event of any future difficulties, the licence may be reviewed.*

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

The Meeting closed at 12.27pm

**5 Minutes of Adjourned Meeting 28.6.21**

The Minutes of the adjourned Meeting held on 28 June 2021 were noted.

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Chairman