

## Licensing & Appeals Sub-Committee – 26 July 2021

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **26 July 2021** when there were present:-

Chairman: Cllr P J Shaw

Cllr D S Efde

Cllr M Hoy

### OFFICERS PRESENT

S Worthington - Principal Democratic and Corporate Services Officer  
C Irwin - Solicitor  
C Brooke - Licensing Officer  
Weronika Szyszka - Democratic Services officer

### APPLICANT

Mr S Tozhlukaya

### ALSO ATTENDING

Mr G Hopkins, G T Licensing Consultants  
Mr C Tozhlukaya  
Cllr Mrs D L Belton, Rayleigh Town Council

### 6 PROCEDURE DOCUMENT

The Sub-Committee noted the procedure to be followed in hearing the appeal.

### 7 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application made under Section 17 of the Licensing Act 2003 for a Premises Licence in respect of a licensed premises known as Vintage Off Licence, 105 London Road, Rayleigh.

The hearing was convened on 1 June 2021, adjourned and reconvened on 26 July 2021.

In support of the application, the applicant's representative, Mr Hopkins, stated that the applicant was a highly experienced retail and off licence operator. He had successfully operated a convenience store and off licence within the London Borough of Barnet for a number of years where he was also the Designated Premises Supervisor (DPS) with no breaches of his licence. He had also operated a large convenience store in Newham for over 16 years where he successfully obtained a new premises licence for off sales of alcohol in April 2021. He was the DPS at that premises. Despite the fact that the shop was in an accumulative impact zone the applicant was able to demonstrate that his shop would not add negatively to the accumulative impact. The

Rayleigh premises was not, of course, in an accumulative impact zone. In addition, the applicant had held a personal licence for 13 years. In effect, he was bringing considerable retail and licensing experience to the premises that was the subject of this application.

The applicant had already agreed a number of conditions relating to the prevention of public nuisance with the Council's Environmental Health department. The hours proposed for the off sales of alcohol and the proposed opening hours were the same – from 0900 – 2300 hours daily, which were traditional off licence hours and not excessive for this particular location. The Council had not specified framework hours in its Statement of Licensing Policy, nevertheless the hours applied for were in line with those of most licensing authorities within the South Essex area where authorities did have framework hours. It was therefore stressed that the hours applied for were reasonable and sensible for this location.

It was emphasised that the application included a comprehensive range of conditions in order to promote the licensing objectives including no single cans or single bottles of beer, CCTV, staff training and Challenge 25 scheme. The premises sold a selection of groceries and the sale of alcohol would complement this. Projected customers would include local residents and passing footfall.

Mr Hopkins made particular reference to the lack of representations from any Responsible Authorities. In response to representations received from some local residents the applicants had emailed residents suggesting mediation; however, no residents have responded to attempts to engage with them.

Mr Hopkins stated that issues raised in the representations relating to the lack of need for another shop and parking were not for consideration as part of this application as these fell within other control regimes. This was an application for a new premises licence and comments that had been made were speculative and unsupported by any evidence with no complaints made to the Police, Environmental Health or Trading Standards.

He further observed that a petition had been submitted objecting to the application but had been rejected as it did not comply with necessary requirements. A representative from a neighbouring shop had called into the premises while refurbishment had been underway and had made comments to the builders that were unsupportive of the premises licence application.

In conclusion, Mr Hopkins reiterated that the applicant was a responsible operator. Conditions had been agreed with Environmental Health. There was no evidence to suggest that this application would add to existing issues within the local area. Comprehensive training would be given to staff, who would engage with anyone loitering outside the premises.

In response to a Member observation that the neighbouring Tesco Metro had had to employ security guards on Friday and Saturday evenings in order to

address anti-social issues, the applicant said that consideration would be given to this; a new manager would be working at the premises who also holds a personal licence.

Mrs Belton, speaking in objection to the application, stated that the main concern of local residents related to the proposed opening hours – 9 am to 11 pm seven days a week was excessive. There were young families living above and around the premises and this would impact on their quality of life by virtue of noise and parking and would lead to an increase in anti-social behaviour. She emphasised that there were residents living nearby who had lived there for many years whose quality of life would now be affected. She queried if the proposed opening hours appeared reasonable with a senior school opposite the premises in close proximity.

Mr Hopkins confirmed that the applicant was willing to amend the opening hours on Sundays to 0900 – 2100 hours in response to these concerns and to employ security door staff on Fridays and Saturdays from 2000 hours to close. He did not, however, want to reduce the hours from Monday to Thursday as there was no evidence to suggest that there was a problem on those days and the Police had made no representation. He emphasised that the applicant did not want to upset residents but rather wanted to provide a service to them.

The Sub-Committee retired from the hearing with the Legal and Democratic Services officers to consider the decision and returned for its announcement. It had considered all the written evidence and the representations made at the hearing. The Sub-Committee had also considered the conditions included within the application for a premises licence, the 4 conditions proposed by Environmental Health and agreed by the applicant, and two additional conditions proposed by the applicant during the hearing in order to promote the licensing objectives. The Sub-Committee had listened carefully to the concerns raised by interested parties relating to the proposed hours of 0900-2300 hours seven days a week having the potential to compromise the quality of life of residents.

However, the Sub-Committee was mindful that no representations had been made at the hearing by Essex Police and Environmental Health. In addition, Environmental Health had agreed conditions with the applicant that it considered would serve to promote the licensing objectives. The Sub-Committee had also taken into consideration the fact that the applicant had several years' experience of running similar premises elsewhere and was committed to working with local residents and to provide a service to them.

The Sub-Committee was therefore minded to grant the premises licence, subject to standard mandatory conditions and the conditions agreed by Environmental Health and the applicant, the conditions set out in the premises licence application form and the following two further conditions offered by the applicant during the hearing.

The Sub-Committee emphasised that the applicant must adhere to all the conditions applied to the new premises licence and that if there were any

problems in future as a result of the grant of this licence, a review of the licence could be requested at any time.

### Resolved

That the new premises licence be granted, subject to the standard mandatory conditions and subject to:

- The four conditions agreed with Environmental Health as set out in appendix D to the report.
- The conditions detailed within the premises licence application form, set out in appendix A to the report.
- The opening hours and sale of alcohol on Sundays to be limited to 0900 – 2100 hours.
- Security door staff to be employed at the premises on Fridays and Saturdays from 2000 hours to close. (ADPC)

The meeting commenced at 2 pm and closed at 4.04 pm.

Chairman .....

Date .....

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