

Licensing Sub-Committee – 8 September 2016

Minutes of the meeting of the **Licensing Sub-Committee** held on **8 September 2016** when there were present:-

Cllr B T Hazlewood
Cllr Mrs D Hoy

Cllr Mrs L Shaw

OFFICERS PRESENT

M Pinnington	- Trainee Solicitor
S Greener	- Licensing Officer
S Worthington	- Committee Administrator

25 APPOINTMENT OF CHAIRMAN

Cllr Mrs L Shaw was appointed Chairman of the Sub-Committee.

26 PROCEDURE FOR LICENSING HEARING

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

27 LICENSING APPLICATION – LICENSING ACT 2003

Papa Johns, 18-20 High Street, Rayleigh, SS6 7EF

The Sub-Committee considered an application for the grant of a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known as Papa Johns, 18-20 High Street, Rayleigh. Members had before them the report of the Assistant Director, Legal Services setting out the details of the application and the representation received from the District and Town Ward Councillor for Wheatley ward.

The District and Town Council Ward Councillor for Wheatley ward, in presenting his representation to the application, emphasised that there was a thriving night time economy in Rayleigh High Street and that it was important that there was the right balance between the day time and night time economies, which was currently the case. He was, however, concerned that anti-social behaviour-related incidents continued to increase. He drew attention to the fact that there were a number of residential properties in the vicinity of the application site; he considered that applications such as this one would result in an erosion of residential amenity. He stated that those licensed premises already holding premises licences for extended hours had the capacity to accommodate customers within the premises; anti-social behaviour-related issues usually happened outside premises, rather than inside.

He further stated that this application would result in an increase in anti-social behaviour, public disorder and littering and that taxis would often not allow customers to take food into their vehicles. The application, if granted, would, he believed, create a hub/meeting place within the High Street and that the

premises with no toilets or seating area would not be able to control the risks. He emphasised that the marshal scheme in the high street was no longer funded and it was probable that customers would loiter outside in the street and would increase littering outside in the high street, which would increase the financial burden on this Council in terms of street cleaning. He believed that patrons should be encouraged to return home rather than staying in the high street until 3.00 am to purchase food.

The applicants, in support of their application for a premises licence, advised that they took over the franchise approximately two months ago and ran franchises in Southend and Basildon; the previous premises licence holder had not been able to make the business financially viable as a result of the current hours restrictions on the premises licence. They emphasised that did not allow customers to take alcohol onto the premises. They had been in discussion with the Police about their application and had installed CCTV at the premises. They stressed that food helped to alleviate the effects of alcohol consumption and that the Police had no representation to make in respect of the application.

The applicants drew attention to the fact that another fast food premises next to them was open until 0300 hours. They emphasised that they have not had any issues with their Southend and Basildon premises; CCTV is installed, staff are appropriately trained and relevant notices displayed at the premises. The application will not impact on littering in the high street.

The following responses from the applicants to Member questions were noted:-

- 80% of customers tended to eat food in the shop and hence disposed of their rubbish in the bins inside the shop. There were bins inside the premises, and a Council bin outside, but the applicants were willing to put another bin outside the premises and would also clear away any rubbish outside the premises on the footpath up to the highway after the store had closed.

In conclusion, the District and Town Council Ward Councillor for Wheatley ward emphasised the need for applications to provide evidence of promoting the licensing objectives. He questioned whether 80% of customers would eat at or in close proximity to the store, given the lack of seating facilities. He reiterated that the application would have a detrimental impact on residents.

The applicants concluded by emphasising that they needed time in order to prove their proficiency in promoting the licensing objectives, but were willing to comply with any conditions deemed necessary to that end.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

The Sub-Committee had given careful consideration to the officer's report and all written evidence and all representations made at the hearing. It was mindful of the concerns raised by the District and Town Council Ward Councillor for

Wheatley ward relating to the potential for anti-social behaviour and littering in that part of Rayleigh High Street in the context of the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. However, the Sub-Committee was equally mindful that no representations had been made by Essex Police, the Environmental Protection Unit or from local residents.

The Sub-Committee considered it appropriate to grant the application for a premises licence, subject to such conditions as are consistent with the operating schedule, modified to such extent as considered necessary for the promotion of the licensing objectives.

While noting the concerns raised at the hearing, the Sub-Committee emphasised that, should there be any problems at the premises in the future, residents or Responsible Authorities would have an opportunity to call for a review of the licence.

Resolved

That the premises licence be granted, subject to the following conditions:-

1. Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
2. Anti-social behaviour shall not be tolerated on the premises.
3. A first aid box shall be available on the premises.
4. The licensee shall fit and maintain an efficient CCTV system in agreement with the Police. Recordings shall be retained for at least 31 days.
5. The lighting in the premises will be such that the CCTV operates at the best possible level.
6. A member of staff should always be on duty that is able to download and burn images off the CCTV when requested by the Police.
7. A notice shall be maintained at the premises alerting customers of the need to keep noise to a minimum when leaving the premises.
8. A litter patrol must be carried out on the closing of the premises for a distance of 50 metres either side of the premises and in front of the premises to the highway. (ADLS)

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The meeting commenced at 10.00 am and closed at 11.10 am.

Chairman

Date

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