

Licensing & Appeals Sub-Committee – 14 April 2022

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **14 April 2022** when there were present:-

Chairman: Cllr P J Shaw

Cllr Mrs E P Gadsdon

Cllr J N Gooding

OFFICERS PRESENT

A Law	- Assistant Director, Legal & Democratic
S Worthington	- Principal Democratic and Corporate Services Officer
S Greener	- Principal Licensing Officer
W Szyszka	- Democratic Services Officer

APPLICANT

P Causer

ALSO PRESENT

Mr and Mrs Chambers
A Whiting

3 PROCEDURE DOCUMENT

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

4 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application for a Premises Licence made under Section 17 of the Licensing Act 2003 with respect to Hops Off Licence, 68 Little Wakering Road, Little Wakering.

In support of the application, the applicant stated that she sought to convert her existing sandwich bar located within the premises into an off licence selling convenience goods as well as alcohol due to there not being any convenience stores selling alcohol in the vicinity; her current business was not prospering and other shops had failed in the area. The applicant stated that she was unlikely to open from 1100 until 2300, the hours applied for.

A Member asked the applicant what training would be provided to staff to promote responsible alcohol trading, given the fact that the nature of the proposed business differed significantly from her current business.

In response, the applicant clarified that initially she would be the only person working at the premises. If she did employ anyone later on, they would be obliged to undergo a licensing course. The applicant was also aware of the 'challenge 25' policy. She made reference to the fact that CCTV was in place that covered the front-side of the parade, alongside security lights and motion

sensors. The Police had requested that one month's worth of CCTV video footage be available for review upon request. The applicant was considering installing shutters; however, there was only one entrance to the shop which was at the front of the premises; there was no rear or side exit. The applicant further confirmed that she would not supply alcohol to intoxicated persons and would have appropriate Challenge 25 signage displayed clearly within and outside of the premises. The applicant would also keep a record of any refusals for the Police. She also stated that there were no benches in the vicinity of the premises to encourage people to hang about outside, there were bins outside and opposite the premises and the application was unlikely to result in any increased traffic as most residents likely to shop at the premises would be within walking distance in Little Wakering.

Speaking against the application, objectors raised concerns with regard to the proposed opening hours of 1100 until 2300, particularly in light of the fact that the premises were within a residential area; other shops in the area closed much earlier and the proposed later opening hours could potentially cause a nuisance to residents. Objectors requested that the opening hours be reduced. Concerns were also raised regarding the potential for people to gather outside the premises and that the application could lead to an increase in crime in a quiet, rural location. It was further stated that the proposed security lighting could disturb local residents at night.

The applicant reiterated that precise operating hours had not yet been determined. The applicant also confirmed that the security lights would be pointed downwards to avoid light shining directly into residents' properties.

The Sub-Committee retired from the hearing with the Legal and Democratic Services officers to consider the decision and returned for its announcement. It considered all the written evidence and representations made at the hearing, including the concerns raised by the interested parties relating to the licensing objectives of prevention of public nuisance and prevention of crime and disorder. However, the Sub-Committee was mindful of the fact that no representations had been made by Essex Police and Environmental Health and that there was no evidence that granting the application would compromise the licensing objectives. Whilst the Sub-Committee was sympathetic to the concerns raised by the interested parties it had to consider the application in accordance with the requirements of the Licensing Act 2003.

The Sub-Committee had also taken into account the applicant's verbal representations and the fact that there were conditions agreed with the Police which it considered would promote the licensing objectives.

The Sub-Committee was therefore minded to grant the premises licence, subject to the usual mandatory conditions and the additional conditions agreed with the Police set out in appendix D to the report.

Resolved

That the new premises licence be granted, subject to the standard mandatory conditions and subject to the additional conditions agreed with the Police set out at Appendix D to the report. (ADPC)

The meeting commenced at 10.00 am and closed at 11.25 am.

Chairman

Date

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