

Minutes

Licensing/Appeals Sub-Committee Tuesday, 5th July, 2016

Attendance

Cllr Mrs Hubbard
Cllr Mrs Middlehurst

Cllr Newberry

Officers Present

Dave Leonard - Licensing Officer
Simon Scrowther - Litigation Lawyer
Jean Sharp - Governance and Member Support Officer

96. Appointment of Chair

The Sub-committee resolved that Cllr Newberry should chair the meeting.

97. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

98. Declarations of Interest

There were no declarations of interest.

99. Application for Premises Licence - Ingatestone Post Office, High Street, Ingatestone CM4 9ET

The report before members provided information relating to the application for a premises licence in respect of Ingatestone Post Office, High Street, Ingatestone, CM4 9ET.

Members were requested to determine the application having regard to the operating schedule, the Council's Statement of Licensing Policy and the four licensing objectives:

- Prevention of crime and disorder
- Prevention of nuisance
- Public safety
- Protection of children from harm

The application was received on 11 May 2016 from Mr Kathatharan Ponnampalam in respect of Ingatestone Post Office, High Street, Ingatestone, CM4 9ET and a copy was before the Sub-committee. The applicant sought a premises licence for the sale of alcohol for the hours of 08.00hrs - 20:30 hrs daily.

Three written objections were appended to the agenda which the Sub-committee had noted.

Mr Jordan addressed the Sub-committee on behalf of the applicant and advised that there were two amendments to the application. Firstly, the application was amended in that the licence hours would be Monday to Saturday 8.00am to 19.30pm, rather than 8.00am to 20.30pm Monday to Sunday and secondly that alcohol would only be displayed in the area delineated in the plan submitted to Sub-Committee during the Sub-Committee hearing.

Mr Jordan also advised that the applicant would be initiating a training programme which would include such things as I.D. requirements, fines and punishments imposed on staff for breaches of the licence conditions or sales to minors, a challenge 25 policy which would include proxy sales, training on street drinking and drug taking and knowledge of the licence conditions. Appropriate signage would be displayed and staff would have to prove they had been trained by signing a training book and a refusal register would be kept.

It was submitted that post offices needed to change and adapt to survive, hence the change of use. Without that change of use it risked being lost to the community.

Members noted that whilst licence hours would be until 19.30pm, the shop would close at 19.00pm. The extra half hour was to allow for orderly closing.

It was submitted that the application did not offend the licence objectives. It was requested that the licence was not granted subject to a condition that two staff were present as if two were on duty and one left momentarily the licence would be breached.

The applicant confirmed that they would engage with the police in the event there was anti social behaviour but they objected to a condition that a "mosquito" device was installed as whilst this would deter "youths" it would also cause irritation to young children who came into the shop with their parents.

A question was put by a Member as to how many staff would work in the premises. The applicant advised that he was there always and used part time staff to have a staff present of two or sometimes three.

A question was raised about how one staff member would manage if he or she worked alone. The Sub-committee viewed a plan of the premises where it was explained that there were two counters: one was the post office and one was a mixed use counter between the shop and the post office. If only one staff member was present then the multi use counter would be used.

The Sub-committee noted that objections had been raised on parking, but that this, without it in itself offending the licence objectives could not be taken as a reason to refuse or curtail the licence.

The Licencing Officer noted that the application had been amended to the benefit of the application and that no objections had been received from relevant authorities.

The applicant submitted that the application met the licence objectives and that it would be a benefit to the community.

Members of the Sub-committee were content that sufficient staffing was in place to mean that it did not need to be made subject to a condition. They considered the earlier closure should deal with any objections about late night traffic and they were satisfied that the extra conditions agreed to by the applicant at 4.4 of the agenda met any of the four licence objectives.

The decision of the Sub-Committee was therefore that, having listened to the application, and having balanced the written objections received against the licence objectives to GRANT the application subject to the following conditions, being:-

1. The conditions set out at paragraph 4.4 of the agenda be added to the licence.
2. The licence activity will be 8.00am to 19.30pm Monday to Saturday.
3. The display of alcohol be limited to that area delineated in the amended plan submitted to the Licence Officer on the 5 July 2016 at the Sub-Committee hearing.