

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee

Friday, 24 July 2020



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Harrish Bisnauthsing
Councillor Mrs Pam Bosworth
(Chairman)
Councillor George Chivers
Councillor Helen Crawford
Councillor Mrs Rosemary Kaberry-Brown

Councillor Ms Jane Kingman
Councillor Philip Knowles
Councillor Nikki Manterfield
Councillor Dean Ward (Vice-Chairman)

Officers

Licensing Officer (Richard Etherton)
Legal Advisor (Mandy Braithwaite)
Committee Support Officer (Shelley
Hardy)
Technical Support Officer (Julie
Edwards)

Other Members

Councillor Ashley Baxter

34. Register of attendance and apologies for absence

All Members were present, with the exception of Councillor Charmaine Morgan who had given her apologies and Councillor Robert Broughton.

35. Disclosures of interests

None disclosed.

36. Minutes of the meeting held on 3 July 2020

The minutes of the meeting held on 3 July 2020 were agreed.

37. Licensing Act 2003: Premier Convenience Store, 37 High Street, Colsterworth, NG33 5NE

Decision:

That the Premise Licence for the Premise known as Premier Convenience Store, 37 High Street, Colsterworth is granted subject to the modification of the hours for the sale and supply of alcohol to 07:00 to 22:00 Monday to Sunday, conditions that are consistent with the operating schedule for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.

The Applicant, Anbalagan Perumal was in attendance to speak in support of the Premises Licence. Interested Parties who had made representation and were objecting were Mr Crossley, Lorna McShane and Councillor Bob Adams.

The Licensing Officer presented report ENV758, which related to an application for a Premises Licence in respect of Premier Convenience Store, 37 High Street, Colsterworth, NG33 5NE for the supply of alcohol, Monday to Sunday, inclusive; 06:00 – 23:00.

Representations had been received from residents and two Councillors; Councillor Bob Adams and Councillor David Bellamy. The representations mainly related to parking, opening hours and noise from delivery vans. No representations had been received from responsible bodies.

The Applicant, Mr Perumal then gave his presentation. He informed Members that the application before them was for the sale of alcohol between the hours 06:00 to 23:00, he wanted the Premises Licence to be the same as the shop opening times.

A question was asked if the shop opening times, were from 06:00 to 22:00 or from 06:00 to 23:00. The applicant stated that the shop would be closed at 22:00 as this was what the local community wanted.

The Chairman asked the applicant for further clarity around the times stated in the application before Members. The applicant stated that he wanted the Premises Licence for the hours of 06:00 to 23:00, Monday to Sunday which were the same hours as the shop was open.

One of the interested parties, Mr Crossley expressed concern about the shop actually closing at 22:00. The Co-op's opening times were 07:00 to 22:00 and was situated about half a mile from the premises. There were also petrol stations situated outside the village, just off the A1 for those who wanted alcohol late at night.

The applicant acknowledged the concerns expressed and confirmed he would close at 22:00. He wanted to open early at, 06:00 for those who left early for work or could not drive to the Co-op and so that children did not have to walk as far as the Co-op. He wanted the Premises Licence to reflect the shop opening hours.

Mr Crossley informed the Committee that the Co-op was only about a quarter of a mile from the shop. He was not aware of anyone struggling to get to the Co-op and the children congregated at the bus stop, but not at 6:00am in the morning.

Confirmation was sought of the opening hours for the Co-op.

Another interested party, Lorna McShane, stated that the Co-op had moved to a larger premises and was open between the hours of 07:00 to 22:00.

Councillor Adams stated that the Co-op had asked to open until 23:00 but this had been refused.

Discussion on the opening hours of the shop and the premises licence followed. It was confirmed that the application before Members was for the Premises Licence, to sell alcohol, not the shop opening hours. If Members wished to modify the hours of the Premises Licence for the sale of alcohol then they could do this, however, they could not change the shop opening hours. The applicant had stated that he wished the Premises Licence hours to reflect the same hours as the shop opening times and this was the application before Members to determine.

Further discussion followed in relation to the shop opening hours and it was reiterated that the application before Members was for the Premises Licence for the sale of alcohol, not the shop opening times.

The Chairman asked interested parties for their closing statements.

Councillor Adams stated that there could be parking issues, especially for those residents who lived close to the shop. He asked if the Committee would agree to grant the Premise Licence for the same time as the Co-op was open, in order to help the local residents. He asked if the Committee would bear in mind that the residents needed peace and quiet in the evening.

Mr Crossley was asked for his closing statement. Unfortunately, as a microphone had not been muted a statement was overhead and Mr Crossley asked that his disappointment in who made the statement be recorded.

Lorna McShane gave her closing statement and stated that she lived directly next to the village shop. She had spoken to the applicant so that he was aware of her objection to the shop closing at 23:00, as there were other premises that were open for 24 hours a day. She stated that the applicant had told her that he proposed to install car parking spaces, however these would be very close to her bedroom window, and she felt that customers would park there and leave their music or radio playing which was unacceptable at 11:00 pm.

The Licensing Officer gave his closing statement. He reminded the Committee to have regard to all the representations that had been made and take such steps as it considered necessary to promote the licensing objectives. The options available to the Committee were:

- To grant the licence subject to conditions that are consistent with the operating schedule modified to the extent that the Committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.
- Exclude from the scope of the licence a licensable activity to which the application relates.
- Refuse to specify a person in the licence as a Premises supervisor (DPS).
- Reject the application.

The applicant did not wish to make a closing statement.

(11:10am the Licensing Officer and all interested parties were removed from the meeting)

Members discussed the application before them having regard to the report, all the representations made, all relevant guidance, policies, and the promotion of the four licensing objectives. Members noted that no representation had been received from the Police in relation to any crime and disorder issues or public safety or protection of children from harm or public nuisance issues. Members also noted that representations made in relation to competition, need, traffic and planning were matters that did not relate to licensing. Members acknowledged the concerns raised in relation to noise and disturbance to nearby residents and felt that whilst the opening hours of the shop were 06:00 to 23:00 on balance, the sale of alcohol should be reduced to the hours of 07:00 to 22:00 Monday to Sunday to reduce noise and disturbance to nearby residents.

(11:24am Unfortunately, at this point in the meeting those who had been removed from the meeting during the deliberation had difficulties re-joining the meeting).

The Legal Advisor to the Committee read out the committee's decision.

Having taken into account the report, representations made, legislation, guidance issued under s182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Premises Licence for Premier Convenience Store, 37 High Street, Colsterworth, NG33 5NE was granted subject to the modification of the hours for the sale and supply of alcohol to 07:00 to 22:00 Monday to Sunday. The granting of the licence also included the conditions that are consistent with the operating schedule for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.

The Chair of the Committee sincerely apologised for the unfortunate comment made by a Member of the Committee during the meeting, and confirmed that the Member did not take part in the deliberations and abstained from voting. It was noted that the Member wished to formally apologise for the comments made.

38. Close of meeting

The meeting closed at 11:32am.