
Licensing Act Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee** held on
Tuesday 4 August 2015 at **2.00 pm** in Room GFR14, **West Suffolk House,**
Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Sarah Broughton

Sarah Stamp
Patsy Warby

Substitute attending:
Terry Buckle

6. **Election of Chairman**

It was proposed, seconded and

RESOLVED:

That Councillor Sarah Broughton be elected Chairman for this
Licensing Act Sub-Committee meeting.

7. **Membership**

It was announced that whilst Councillor Beccy Hopfensperger had been selected to serve on the Sub-Committee for this and the subsequent hearing by the Licensing & Regulatory Sub-Committee she had stood down. The site of the application for a Premises' Licence was not in Mrs Hopfensperger's Ward but she lived opposite it and therefore wished to avoid any perception of bias or predetermination. Councillor Patsy Warby who had been the nominated substitute had therefore replaced Mrs Hopfensperger as a member of the Sub-Committee and Councillor Terry Buckle had become the nominated substitute.

8. **Apologies for Absence**

No apologies for absence were received.

9. **Hearing Procedure**

The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item.

10. **Application for new Premises' Licence - LPR Express, 99 Risbygate Street, Bury St Edmunds**

(a) Pre-Hearing

The following actions were taken during the pre-hearing part of the meeting:

- (1) it was announced that Faraidoon Marouf, the applicant, and Paul Byatt, his representative, were present. Nicholas Corke and Antonia Corke were also present as Other Persons who had submitted written representations in respect of the application. Thomas Coleman who had also submitted written representations as an Other Person was not present at the hearing;
- (2) all parties confirmed that they had received a copy of the Officers' written report (Reference LSC/SE/15/004);
- (3) the parties to the hearing confirmed that they did not wish to amend or withdraw their application or representations ;
- (4) the Licensing Officer reported that there had been no requests for witnesses to appear;
- (5) the Licensing Officer reported that none of the parties had submitted additional items of supporting information. A page which had been omitted inadvertently from Appendix 1 of the Officers' written report was circulated at the meeting. This detailed the opening hours being sought by the applicant which were 09.00 to 23.00 daily;
- (6) the Chairman asked all parties the amount of time they required to present their case. As a result the Sub-Committee determined the maximum time allowed for each party to present their case would be 5 minutes; and
- (7) the Sub-Committee determined that the Substitute Member was not required for the hearing. At the invitation of the Sub-Committee Councillor Buckle remained present as an observer.

(b) Hearing

The Licensing Officer presented Report LSC/SE/15/004 (previously circulated) in connection with an application received for a new Premises' Licence in respect of LPR Express, 99 Risbygate Street, Bury St Edmunds. A copy of the Application was attached as Appendix 1 to the Report. The Sub-Committee noted that the opening hours proposed were 09.00 to 23.00 hours each day. A basic location plan was attached as Appendix 2. Three accepted representations had been received and these were attached as Appendix 3.

The four Licensing Objectives of the Licensing Act 2003 were as set out below. Any representations for consideration must relate to one or more of these objectives:

Prevention of Crime and Disorder
Public Safety
Prevention of Nuisance
Protection of Children from Harm

The Report advised the Sub-Committee that Section 17 of the Crime and Disorder Act 1998 imposed a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in, its area. If the Licensing authority decided that an application should be refused it needs to show that to grant the licence would:

- (1) undermine the promotion of the Licensing Objectives; and
- (2) that appropriate conditions would be ineffective in preventing the problems involved.

If the Licensing Authority could not show the above, the application should be granted. In making its decision the Sub-Committee was advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee was further advised that it could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the Licensing Objectives:

Grant the licence applied for; or

Grant the licence, subject to such conditions as are consistent with the Operating Schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the Licensing Objectives; or

Reject the whole or part of the application.

Paul Byatt on behalf of the applicant gave further information in support of the application. He explained that the premises operated as a convenience/ grocery store. Mr Marouf had experience in the retail trade. It was not considered that the proposed hours of opening were excessive. No representations had been received in respect of the application from the responsible authorities. A Risk Assessment had been carried out by the applicant and this had been rigorous so as to identify potential problems. The conditions proposed by the applicant would, it was felt, offer sufficient safeguards to promote the Licensing Objectives.

Mr Nicholas Corke, as an Other Person, stated his objections to the application had been fully stated in his written representations. Whilst he welcomed the addition of a new retail shop in Risbygate Street he

had concerns about the sale of alcohol. He expressed disquiet about the concentration of licences there already were in the town and the cumulative impact this had. He questioned the applicant as to why sales of alcohol after 7.00pm were being sought and the type of customers being targeted who would wish to purchase alcohol after that time. He suggested that young people might purchase alcohol during the evening with a view to congregating with others and consuming it in public areas nearby.

Alexandria Corke questioned the need for selling alcohol so late into the evening and pointed out that there already was such an outlet in St Andrew's Street South which was open until 8.00pm.

She raised an issue of a noise restriction being included in the leases of flats in the locality and suggested that the lease of the shop premises the subject of the application could contain the same covenant. She also raised issues of increased crime and litter if the application was granted.

Officers advised that Risbygate Street was not in the Cumulative Impact Policy Area and therefore this was not relevant to the consideration. The situation regarding the existence of the other outlet in the town retailing alcohol during the evening was also irrelevant as individual applications before the Sub-Committee each had to be judged on their merits. The issue of covenants within leases should not be taken into account by the Sub-Committee since this was a civil matter and it would be for the landlord to take action in the event of any breaches.

Paul Byatt responded by informing the Sub-Committee that the premises operated as a convenience facility and the type of customer would be a casual shopper e.g. someone on their way home who wished to purchase a bottle of wine.

In response to Members' questions the applicant advised that he employed a total of 4 persons. The opening hours would be divided into two so that there would be 2 persons in the shop for each period. There would be 9 CCTV cameras providing surveillance with the capability of storing 28 days of recording.

Each of the parties summed up their case.

(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrators to give consideration of the merits of the application. In considering the application the Sub-Committee's principal concern was the objective of the Prevention of Crime & Disorder. Regard was taken by the Sub-Committee of the representations made by the applicant and the Other Persons. The Sub-Committee re-convened and announced the following decision.)

Decision

That:

- (1) The application for a new Premises' Licence in respect of LPR Express, 99 Risbygate Street, Bury St Edmunds be granted as follows :

Hours the Premises are open to the public

Monday to Sunday inclusive 09.00 to 23.00 hours

- (2) **Conditions**

Consistent with the applicant's Operating Schedule as contained in Appendix 1 of Report LSC/SE/15/004

The meeting concluded at 2.40pm

Signed by:

Chairman
