

LICENSING COMMITTEE held at 6.00 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 16 SEPTEMBER 2009

Present:- Councillor E W Hicks – Chairman.
Councillors E L Bellingham-Smith, J E Hudson, and J I Loughlin.

Officers in attendance:- M Hardy (Licensing Officer), M Perry (Assistant Chief Executive), and C Roberts (Democratic Services Officer).

Also present:- M Bradley and M McGinn – Four Seasons Farm Shop,
Councillor A C Yarwood – Newport Parish Council.

LC15

APPLICATION FOR A PREMISES LICENCE

The Chairman of the Committee and the Assistant Chief Executive welcomed the applicant Mr Bradley, his colleague Mr McGinn and Councillor Yarwood (representing Newport Parish Council) to the meeting and explained the nature and purpose of the meeting and the procedure to be adopted for it.

Mr Bradley confirmed that he had received the copy reports and comments of interested parties.

The Licensing Officer presented his report on the application for grant of a premises licence at The Four Seasons Farm Shop in High Street, Newport. He explained that representations had been made in response to the application which was therefore referred to the Licensing Committee for consideration.

The applicant for the premises licence was seeking the following licensable activities.

The supply of alcohol by retail for consumption both on and off the premises during the following times.

Monday – Wednesday	8.00am - 6.00pm
Thursday – Friday	8.00am – 8.00pm
Saturday	9.00am – 6.00pm
Sunday	9.00am – 4.00pm

The hours that the premises were open to the public to be

Monday – Wednesday	8.00am – 6.00pm
Thursday – Friday	8.00 am – 8.00 pm
Saturday	9.00am – 6.00 pm
Sunday	9.00 am – 4.00 pm

The operating schedule indicated the following measures would be taken to promote the Council's licensing objectives.

Prevention of crime and disorder.

Installation of CCTV and Intruder alarms covering internal and external areas.

Ensuring that stock was secured against unauthorised access
Windows and doors to be closed and alarmed.

Public safety.

The building would conform to health and safety regulations.

Prevention of public nuisance.

The designated licence holder would I receive and respond to any complaints.

Alcohol supplied would be tailored to suit a more mature client base, ie no alcopops or extra strong lagers.

Protection of children from harm.

Staff would be trained to ask for identification.

Applicant would implement a Challenge 21 policy.

Applicant would maintain a refusals book.

Copies of the application had been served on all of the statutory bodies and this had attracted no representations.

Representations had been received from Mr Davidson a local resident and interested party based on the licensing objectives about prevention of public nuisance and the protection of children from harm. It was feared that additional noise might be created by an increase in the volume of traffic using the premises and by customers consuming alcohol on tables and chairs placed outside in the car parking area. Further concerns had been expressed regarding an alcohol retail outlet being available on a route used by students going from the Railway Station to Newport Grammar School.

Correspondence had also been received from Councillor Yarwood the chairman of the Newport Parish Council about the licensing objectives of the prevention of crime and disorder and the protection of children from harm. These issues seemed to be addressed in the operating schedule that had been submitted.

In carrying out its statutory function, the licensing authority had a duty to promote the licensing objectives as defined in the Licensing Act 2003:-

The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm

It was open to the Committee to:-

- Grant the application
- Modify the application by inserting conditions
- Refuse to specify a person in the licence as the premises supervisor
- Reject the application

The Committee must give due regard to the Council's licensing policy and the Secretary of State's Guidance issued in accordance with the 2003 Act.

If the Committee in their discretion wished to impose conditions, the conditions must be necessary and proportionate to promote the licensing objective relative to the presentations received. Equally, the Committee could not impose conditions duplicating the effect of existing legislation.

The Licensing Officer then answered questions from the Members of the Panel. He confirmed that there were tables outside the premises although sales took place inside.

Mr Bradley had no questions for the Licensing Officer to answer. At the invitation of the Chairman he presented his application, explaining that it was intended to have a small inside seating area. At present coffee and light lunches were provided but he hoped to make a coffee bar area for lunchtimes serving paninis with a glass of wine or beer. He would not serve spirits.

In answer to a question from the Chairman Mr Bradley explained that there were normally two staff on the premises at any one time but three if it was busy. There was both internal and external CCTV so that it was possible to survey the whole shop from one point.

It was noted that if any planning permission was required it was not a matter for the Licensing Committee.

In answer to a question from Councillor Loughlin Mr Bradley said that he would be responsible for staff training. He was there every day and would send staff on training as necessary. He intended to use older staff.

In answer to a question from Councillor Bellingham-Smith he agreed that two staff might not be enough if the premises were busy and said he would see how the business progressed.

In answer to a question from Councillor Loughlin he explained that alcohol was sold in the mornings to commuters shopping for off-sales. The shop was open at that time anyway.

Councillor Yarwood then spoke on behalf of the Newport Parish Council, explaining that whilst the Parish Council wished to encourage young

business enterprises, they were concerned about under-age sales of alcohol and the danger of broken bottles. They wanted controls to ensure that there was no passing on of alcohol particularly since there were tables outside and the Four Seasons was on the main school route.

Councillor Loughlin commented that people drank outside the Coach and Horses. Councillor Yarwood said that he wished to emphasise the need for control.

In answer to a question from Councillor Hudson, Councillor Yarwood confirmed that there were some pupils at Newport Grammar School who were over 18. He added that Costcutters had a queue at the door and there was very little accommodation inside.

Mr Bradley confirmed, in answer to a question from the Chairman, that the Four Seasons did not stock items such as sweets and coca cola, had effective CCTV and was not at the end of the village most frequented by school children.

Councillor Yarwood said that the Parish Council was anxious to avoid bad publicity using reasonable controls to prevent damage.

The Licensing Officer suggested that Councillor Yarwood's concerns were met by the steps the applicant intended to take to promote the four licensing objectives, described in page 20 of the application.

In answer to a question from the Chairman, the Assistant Chief Executive stressed that whilst Mr Davidson's concerns regarding noise nuisance could be considered the application must be decided with reference only to licensing considerations, not planning ones. It was noted that the representations from Newport Parish Council had been placed before the committee in consequence of the proximity of their office to the Four Seasons, and that the Planning Department had been consulted and had decided to make no representations..

The Committee withdrew to consider its decision at 6.35 pm.

RESOLVED that the licence be granted in the terms of the application since it appears to meet the concerns which have been raised by the Parish Council and the local resident Mr Davidson.

The meeting ended at 6.43 pm.