

Minutes of the Meeting of the Licensing Sub-Committee held on 11 September 2020 at 10.00 am

- Present:** Councillors Qaisar Abbas (Chair), Shane Ralph and Steve Liddiard
- Apologies:** Councillors Sue Shinnick
- In attendance:** Mr Kumarasamisarma , Applicant Minute Number 6
Ms Shapley, Resident Representative Minute Item 6
Paul Adams, Licensing Manager
Elizabeth Cox, Licensing Officer
Lois Bland, Legal Representative
Kenna-Victoria Healey, Senior Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting was being recorded and live-streamed to YouTube.

7. Items of Urgent Business

There were no items of urgent business.

8. Declarations of Interests

There were no declarations of interest.

9. Determination of an Application to vary a Premises Licence

The Chair asked all parties if they had any requests, and it was noted that there were no requests.

The Licensing Officer introduced the report to Members of the Sub-Committee and in doing so advised that on 16 July 2020, an application to vary the premises licence at Bon Bon, was submitted by Mr Kumarasamisarma. The application was to vary the hours for the supply of alcohol for consumption off the premises to: 06:00 – 23:00 Monday to Sunday, and to submit an updated plan of the premises.

Members heard how the premises was currently licensed to supply alcohol 07:00 – 21:00 Monday to Sunday. It was then explained that during the consultation, two representations had been received from local residents, however no representations had been received from any responsible authorities or any other persons.

It was explained to the Sub-Committee that any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.

Members, the resident representative and the applicant were provided the chance to ask questions of the Licensing Officer. There were no questions from either party.

Ms Shapley, the resident representative was then given the opportunity to explain her objections to the applicant, during which she raised several concerns, the main concern was the likelihood of an increase of disturbance and drunk and disorderly behaviour from young groups hanging around the shop. A further issue raised was the increase of pollution that additional hours could bring into the area. It was also expressed that volunteers from the neighbouring area all worked together to ensure that broken glass and rubbish was cleared up and kept to a minimum. It was remarked that the shop did not need to be open for the additional hours sought.

During questions from Members it was highlighted that although residents could not be sure the drink purchased from the shop would cause drunk and disorderly behaviour it was suspected that as soon as people were aware of the additional hours, then they would visit the shop and not to one of the supermarkets in the area.

Mr Kumarasamisarma was then provided with the opportunity to present his case, during which he explained of his efforts to work with the local residents to help minimise litter and that he would be providing an additional bin outside of the premises.

He continued by stating that since taking over the business in January, he had installed additional CCTV cameras and explained that the reason for applying for the additional hours was due to the demand of 85% of your customers wanting you to open for a longer period. He further explained that it would not be of a huge benefit financially for the additional hours however, he did wish to listen to his customers and meet their needs.

He confirmed that he would be happy to look at alternative opening times should the sub-committee feel it was necessary to implement additional conditions.

Following questions from the Sub-Committee Mr Kumarasamisarma confirmed he had not been approached by the police for any footage relating to any criminal incidents in the area or linked directly to the shop.

The Chair then moved on to closing summaries.

The Licensing Officer provided a short summary to the Sub-Committee. She advised that the hearing was a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, had a duty, in accordance with the rule of law, to

behave fairly in the decision-making procedure. Representations from all parties both written and verbal had formed part of matters that were to be considered. Findings on issues of fact should be on the balance of probability.

Ms Shapley was asked to present a summary to Members; during which she said understood where the applicant was coming from however it was still a concern as to the disorderly behaviour. She further commented that there was no need for the shop to be open until 11.00pm.

Mr Kumarasamisarma was then given the opportunity to give a summary of this case, he stated that he was going to have additional signage and CCTV for the premise. He also said that he was happy to speak with Licensing Officers about the additional hours, if the Sub-Committee wished.

The Chair asked if there were any further questions, there were none. The Sub-Committee adjourned at 10.50am for deliberation and were accompanied by the Legal Advisor and the Democratic Services Officer.

The meeting reconvened at 11.03am.

RESOLVED:

That the Sub-Committee considered the report and appendices together with any oral submissions at the hearing and determined the application to vary the premises licence in line with the options open to the committee under the Licensing Act 2003.

The Sub-Committee agreed to grant the variation of the premise licence.

The meeting finished at 11.05 am

Approved as a true and correct record

CHAIR

DATE

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