



To be submitted to the Council at its meeting on 29<sup>th</sup> July 2021

## **LICENSING SUB-COMMITTEE**

**13th April 2021 at 10.00 a.m.**

### **Present:**

Councillors Cairns, Green, and Hasthorpe.

### **Officers in attendance:**

- Jo Bennett (Senior Licensing Enforcement Officer)
- Rob Close (Scrutiny and Committee Support Officer)
- Adrian Moody (Licensing Manager and Environmental Protection Manager)
- Eve Richardson-Smith (Deputy Monitoring Officer)

### **Others in attendance:**

- Jax Hussain (Designated Premises Supervisor)
- Michael Kheng (Kurnia Licensing Consultants)

### **LSC.17 APPOINTMENT OF CHAIR**

Councillor Hasthorpe was appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

### **LSC.18 DECLARATIONS OF INTEREST**

There were no declarations of interest received in respect of any item on the agenda for this meeting.

### **LSC.19 APPLICATION FOR A NEW PREMISES LICENCE – “THOMAS GREEN OF LONDON” 1A WALTHAM ROAD, GRIMSBY, DN33 2LY**

The Chair introduced himself, the other members of the sub-committee, and the officers present.

The purpose of the meeting was to hear and determine an application for a new Premises Licence for the Premises to be known as “Thomas Green of London”, 1A Waltham Road, Grimsby, DN33 2LY

Mrs Richardson-Smith explained the procedure for the hearing and ensured that everyone in attendance had copies of the agenda. In addition, she noted that a written representation had been made against the application by a member of the public; however, the representative was not present at the meeting today. No representations were made by Responsible Authorities.

Mr Moody summarised the application and he explained a representation had been made by a member of the public in objection to the proposal. In addition, another representation had been made in favour, however, this representation wasn't accepted because it was not deemed a relevant representation under the terms of the Licensing Act 2003.

The Chair invited Mr Kheng to address the sub-committee on behalf of the respondent.

Mr Kheng explained that the premises had been already trading for a month and had been supplying alcohol under temporary event notices which started on 31<sup>st</sup> March 2021. The sale of alcohol was permitted under the temporary event notices from 8.00 a.m. until 11.00 p.m., the same hours submitted under this application. No objections were made by Humberside Police or Environmental Health in response to the temporary event notices. Neither Humberside Police nor Environmental Health had made objections to this application either, however three additional conditions had been agreed with Humberside Police.

Referring to the Section 182 Guidance of the Licensing Act. 2003, Mr Kheng noted that paragraph 9.12 stated:

*‘Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective.*

*The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective’.*

If the area surrounding the premises was host to ASB issues Humberside Police would have raised this as an issue and if the impact from noise nuisance would have been a concern Mr Kheng suggested Environmental Health would have raised this.

The premises could trade until 11.00 p.m. in its capacity as a delicatessen and convenience store, subject to planning permission, without regulation. The premises licence applied for today wouldn't impact the trading window potential of these premises.

Referring to the Section 182 Guidance of the Licensing Act. 2003, Mr Kheng noted that paragraph 10.15 stated:

*'Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.'*

Mr Kheng suggested there were no good reasons, based on the licensing objectives, for restricting the sale of alcohol.

Referring to the Section 182 Guidance of the Licensing Act. 2003, Mr Kheng noted that paragraph 9.43 stated:

*'The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.'*

No evidence had been submitted by the objector of this application to suggest that granting this application would undermine the licensing objectives. The lack of representations received from Responsible Authorities supported this. Instead, the application benefitted from the evidence that these premises could indeed operate successfully given its effectiveness at promoting the licensing objectives during its use of temporary events notices.

The objection made to this application, Mr Kheng felt, lacked in evidence, and didn't relate to the licensing objectives.

The sub-committee asked if outdoor seating was offered at these premises. Mr Kheng explained that, subject to planning permission, outdoor seating was going to be considered as part of the premises' capacity as a coffee bar, however, didn't relate to offsite alcohol sales that made up the application before the sub-committee today. In a supplementary question, the sub-committee raised their concerns about the potential increased littering, they asked how the applicant intended to address their responsibility to mitigate this issue. Mr Kheng stated that the main operation of these premises was as a convenience and delicatessen store, so purchases of food would be taken off the premises rather than be consumed outside. Any litter or waste generated outside as part of the coffee bar would be cleaned up by staff.

The hours proposed by the applicant were surprising to the sub-committee, they sought further clarification on why 8.00 a.m. until 11.00 p.m. was considered appropriate. Mr Kheng reminded the sub-committee that the premises was not a bar or a public house, it was in fact a convenience store and delicatessen. The hours applied for were consistent with the opening hours of the store.

The sub-committee withdrew to deliberate. After an interval, they returned to advise of their findings.

The Chair advised that the sub-committee carefully considered all oral and written information submitted by each party and the report provided by officers. Having taken into account the written representation from a member of the public, and the representation in support, the sub-committee were pleased to grant the application applied for as submitted. The sub-committee noted that there were no representations from Responsible Authorities and that the premises had been operating via temporary event notices since 31<sup>st</sup> March 2021. The power of review of course existed should the premises operate in a manner that did not promote the licensing objectives.

**RESOLVED** – That this application for a new Premises Licence be approved, as submitted, in the terms applied for.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 10.30 a.m.