



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Licensing Sub-Committee

## Minutes

Tuesday, 12 September 2023 at 10:00

PRESENT: - Councillor Annison (in the Chair), Councillors Bird, B Wright and Thompson.

Also in attendance at the above meeting were:

Mrs E Hignett (Licensing Officer), Mr A Miles (Senior Environmental Protection Officer), Mr D Lowens (Solicitor, Nplaw) and Miss R Downie (Democratic Services Officer)

Ms J Gowland (Head of Licensing at Birketts LLP, Solicitor for Premises Licence Holder) and Dr G Sutharsan (Representing Premises Licence Holder)

Mr V Satheeskumar (Objector) and Mr C Brooks (Police Licensing Officer)

### **01 APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

### **02 DECLARATIONS OF INTEREST**

There were no declarations of interest declared at the meeting.

### **03 APPLICATION FOR VARIATION OF A PREMISES LICENCE: POST OFFICE STORES, 40-42 ST PETERS ROAD, GREAT YARMOUTH**

The Chair allowed Member five minutes at beginning of the meeting to look through the additional papers that had been provided the evening prior.

The Licensing Officer presented the report to the Committee for consideration. It was

explained that the nature of the application was for a variation to increase the hours for the sale of alcohol (off the premises) to 24 hours each day. The current premises licence authorises the sale of alcohol (off the premises) from 6:30am to 1:00am each day.

The Chair hereby invited Ms J Gowland (Head of Licensing at Briketts LLP, Solicitor for the Premises licence Holder) to give evidence. Ms J Gowland gave an overview of the application and explained that the reasoning behind the application for variation to a 24-hour licence was to provide opportunity for those in the area who work night shifts to be able to buy necessary items. In addition, allowing this variation would reportedly stimulate the economy and further full-time jobs.

It was added that the current DPS has many years of experience in retail and the store manager has been working for the business for six years. It was also explained that Dr Sutharsan is a cardiologist working at the Norfolk and Norwich Hospital who has a passion for business and a love of the local community. Ms J Gowland noted that the applicants have four stores in total, 2 in Great Yarmouth and 2 out of the area.

Ms J Gowland highlighted that the Londis Store, stated as Post Office Stores on the licence, no longer operates as a post office and planning permission has been sought to expand the store and convert the upstairs area into flats, thus providing additional living accommodation to the local area.

It was noted that the representation from Environmental Health raises the concern of public nuisance, however these statements were said to be sweeping and generic, providing no direct relationship between the store and the alleged issue. Additionally, a PSPO has been introduced in the area until 2025, which allows for the police and the local authority to deal with any issues that are damaging to the community, therefore the issues mentioned in Environmental Health's representations could be dealt with utilising these additional powers. Ms J Gowland referenced appendix 1 of the additional documents which shows that anti-social behaviour and crime has been declining in the local area since 2016. It was added that the applicant and store manager are keen to engage with the police to ensure this downward trend is maintained. It was explained that the store operates with CCTV at all times and a panic button is installed should there be a need for rapid response. Ms J Gowland referenced point 3.5 in the Council's Licensing Policy which states:

*'The Licensing Authority acknowledges that the licensing legislation is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of the individual licensees or certificate holders. However, licensees and certificate holder should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control.'*

It was added that, in light of this section of the Council's Licensing Policy, that the issues raised in the representation from Environmental Health are not the sole responsibility of the Premises Licence Holder.

Ms J Gowland referred to the representation from Norfolk Constabulary and explained that at the time of the incident involving the fraudulent licence in 2022, Dr Sutharsan's cousin was running the store as she was suffering from ill health and was therefore unaware of what her cousin had done. It was noted that Dr Sutharsan cooperated with the police investigation and at the Committee hearing in 2022, the Police Licensing Officer said that there were no other police issues at that time. It was noted that this one incident should not be a determining factor for a responsible operator to be denied a variation.

Ms J Gowland referenced the revised guidance issued under Section 182 of the Licensing Act 2003 and stated that Mr Satheeskumar's representation should be

dismissed as vexatious due to the fact that he owns a rival business on the St Peters Road.

Ms J Gowland referred to the representation from Sgt Smith who objected to the variation of hours on the grounds of anti-social behaviour. It was noted that statistics provided in the additional papers show that issues of crime and anti-social behaviour have been on the decline, particularly with the previously mentioned PSPO in place. Additionally, in his objection Sgt Smith references several resident surveys that had been conducted, however Ms J Gowland asked the Committee to consider that the application was advertised correctly on the street facing side of the property for the full required time and there were no objections received from residents, therefore it would be difficult to assume that the issues referred to in these surveys were in relation to Post Office Stores. Ms J Gowland also added that the Premises Licence Holder tries to keep the area outside of the premises as clean as possible, and that there was a bin directly outside however this was removed by the Council.

It was suggested that the Safer Streets Fund grant of £127,500 could be used to fund improvements to CCTV and streetlights within the area which would help to mitigate the issues that were raised in the representations from Environmental Health, Norfolk Constabulary and Sgt Smith.

Ms J Gowland stated that there are 2 other stores and petrol stations that operate 24 hours within a five-mile radius of the premises, one of which is notably closer to a local primary school than Post Office Stores. It was explained that Post Office Stores caters for locals of all backgrounds as well as tourists due to its close proximity to the Seafront and the Hippodrome Circus. Additionally, due to an increase in cost for the retail sector, business owners must look for ways to maximise business in the current climate and help to continue to provide jobs to local people – it was noted that granting this variation would allow for the Post Office Stores to achieve these goals by catering to those working and returning from a night shift. Ms J Gowland also stated that the additional income that would be made from opening 24 hours would go towards renovating the upstairs of the property into multiple flats, which would provide affordable housing to the local area. It was added that the Premises Licence Holder made enquiries regarding a pub watch scheme and found that the borough does not currently have one of these groups, however the Premises Licence Holder expressed that they would like to resurrect one in order to work with other businesses in keeping the area safe for local residents and tourists.

The Chair asked Members and other parties present whether they had any questions for Ms J Gowland - there were no questions at this time.

The Chair hereby invited Dr Sutharsan to provide any additional evidence.

Dr Sutharsan stated that they were happy with Ms J Gowland's statements and had nothing to add, though they would be happy to answer any questions.

The Chair hereby invited the Senior Environmental Protection Officer to give evidence.

The Senior Environmental Protection Officer stated that there have been several issues in the nearby vicinity of the premises and it is believed that an extension would exacerbate issues of street drinking and anti-social behaviour. It was noted that the Council has received multiple reports of alcohol related litter in the street and noise nuisances on St Peters Road. Additionally, there had been a recent survey sent to the residents on St Peters Road, with several respondents noting drunken behaviour as a concern.

The Chair asked Members and other parties present whether they had any questions

for the Senior Environmental Protection Officer - there were no questions at this time.

The Chair hereby invited the Police Licensing Officer to give evidence.

The Police Licensing Officer explained that the representation from Norfolk Constabulary was in two parts: the first being Sgt Smith's objection relating to the Community Alcohol Partnership which works to combat the harm of alcohol misuse in the community and which Sgt Smith is a part of; and the second part relating to the determination notice, that was issued less than 12 months ago at the time of this meeting, in which the Committee noted concerns around the Premises Licence Holder being deceitful and displaying a fraudulent 24 hour licence.

It was noted that in relation to the fraudulent licence, there was strong evidence to show that unlawful sales were taking place and that two suspects, Dr and Mr Sutharsan, were interviewed on caution. The Police Licensing Officer explained that the Norfolk Constabulary had to decide whether to take the issue to court or to take no further action, so a public interest test was applied and the decision was made to take no further action – however, this does not mean both parties were innocent. It was added that the police need to be able to trust the operators of licensed businesses however, due to the events regarding the unlawful sales of alcohol in 2022, there is currently no confidence in the current Premises Licence Holder and DPS which causes an issue as the Norfolk Constabulary do not have the resources to monitor the business at all times.

Councillor Thompson requested clarification on what was displayed on the licence in 2022 which made it fraudulent. The Police Licensing Officer stated that the fraudulent licence showed that the premises was licensed for the sale of alcohol (off the premises) for 24 hours which was not correct and that the hearing for this was held before a Licensing Sub Committee on 5<sup>th</sup> October 2022.

Ms J Gowland asked whether there had been any other police reports involving the premises since the incident of the fraudulent licence. The Police Licensing Officer explained there was one report from 25<sup>th</sup> November 2022 where officers required CCTV which was unavailable at the time. It was noted that the CCTV required was for 31<sup>st</sup> October 2022 and the officers were informed that the footage was not available as they only held footage for 20 days which went against a condition regarding CCTV in their licence. Ms J Gowland stated that the CCTV system was changed which may have caused this issue and that the applicant was aware of the serious incident that occurred outside the premises so was cooperative with officers. The Police Licensing Officer clarified that it is likely the staff at the premises were cooperative, as the police report would state if they did not cooperate. Dr Sutharsan further added that the CCTV was updated on 8<sup>th</sup> October 2022 and that there were issues with the data on the system, however this has been rectified since and now records for up to 35 days, thus being compliant with the condition on the licence.

The Chair hereby invited Mr Satheeskumar to give evidence.

Mr Satheeskumar stated that there were numerous examples of the Premises Licence Holder not following statutory guidance, therefore they had concerns about whether they would be able to uphold the licensing objectives. It was added that the Premises Licence Holder could not be trusted due to the concerning breach in 2022 regarding the fraudulent licence and therefore this variation should not be granted to protect the community.

The Solicitor stated that the Committee will consider all evidence/representations that have been put before them and that they should not take previous evidence that has

not been put before them into account. However, it was noted that the Committee can take overview of the previous decision as the Notice of Determination was included in the representation from Norfolk Constabulary and is therefore within the relevant papers.

The Chair hereby invited all parties to give any closing statements should they wish to.

Dr Sutharsan stated that although there was the one-off incident of the fraudulent licence in 2022, however they do not want this incident to be the determining factor. Dr Sutharsan concluded by saying that, as an employee of the NHS, herself and her husband are professionals in society who only want the best for the community.

There were no closing statements from any other parties.

The Members retired to consider their decision in private at 10:43.

The Committee resumed to give their decision in public at 11:24.

The Chair invited the Solicitor to confirm the decision. It was explained that the Committee has considered the local and national guidance together with the evidence on paper and heard in the meeting. The Solicitor added that the police are the main source of guidance on the promotion of the crime and disorder licensing objective and that the Committee were concerned by the statements from the Police Licensing Officer which suggested that the police do not have confidence in the current operators. It was also noted that it was less than a year ago that the previous Licensing Sub Committee refused to grant a similar variation application due to concerns from the Norfolk Constabulary. Additionally, it was noted that the concerns from Environmental Health did not have a direct impact on the decision as there is insufficient evidence of a connection between the actions of the premises and the anti-social behaviour issues in the surrounding area. The Solicitor concluded by stating that the unanimous decision of the Committee was to refuse the variation application.

RESOLVED:-

That the Committee refuse the whole of the variation application.

#### **04 ANY OTHER BUSINESS**

The Chairman reported that there was no other business to be discussed at the meeting.

The meeting ended at: 11:26