

## **LICENSING SUB-COMMITTEE**

Wednesday, 6th August, 2014

**Present:-** Councillor Mrs Bates – in the Chair

Councillors Miss Cooper and Welsh

### **1. APPLICATION FOR A PREMISE LICENCE - CO-OP FOOD GROUP. 93 CLAYTON ROAD, CLAYTON**

Having taken into account the licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that an objection has been received on the basis that to grant the application would undermine the objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

The Committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application.

A local resident expressed concerns about possible noise nuisance that may be experienced by properties in the vicinity and possible anti-social behaviour because of the hours applied for by the applicant. References were also made to possible traffic issues and parking problems if the licence were granted and to the fact that other local businesses closed at an earlier time.

The Solicitor for the applicant alluded to the decision of the High Court in the Daniel Thwaites case in 2008 in which it was held that all determinations of licensing applications should be made on empirical evidence and not on speculative evidence. The Committee also took into account the problem of zoning referred to in the Thwaites case where it was stressed that Licensing authorities should not fix pre-determined closing times for particular areas. In fact the Secretary of States guidance at 10.00 supports this. The guidance at 10.13 states further that 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 licensing objectives, for restricting those hours.

The guidance at 9.39 re-iterates the fact that the Authority's decision should be evidence based.

The Committee have not heard any actual evidence that any of the licensing objectives will be offended. In particular traffic issues and parking problems are not within the remit of the licensing objectives.

Having taken all of the evidence into account the Committee have concluded that a licence should be granted on the terms applied for subject to the relevant mandatory conditions and also conditions that are consistent with those listed by the applicant in the operating schedule or otherwise agreed and a notice will be issued to that effect.

**Chair**