

LICENSING SUB-COMMITTEE

Monday, 13th April, 2015

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Mrs Simpson and Mrs Williams

1. APPLICATION FOR A PREMISE LICENCE - TOTO. 38 IRONMARKET, NEWCASTLE, STAFFS. ST5 1PB

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 representations have been received from Staffordshire Police and another person 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 but the Staffordshire Police were prepared to withdraw their representation on the basis that the conditions agreed between themselves and the applicant which are set out on pages 40 and 41 of the report to the Council were added to the premise licence.

The applicant having confirmed his agreement to the addition of those conditions, the Committee have considered those licensing objectives in the light of what has been said by the other person and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application.

The landlords of the rooms above the premises raised concerns about the possibility of noise and nuisance outside the premises, noise from live music and also odours from cooking could disturbing the comfort of their tenants. It was however taken into account that similar concerns had not been raised by Environmental Health. It was appreciated that encouragement was being given to people living in towns but it was felt that the landlords concerns could be dealt with by way of conditions.

The Committee in its deliberations took into account 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.

In any event the landlords would have the benefit of being able to review the licence if subsequent problems were to arise. The guidance at 9.39 reiterated the fact that the authorities determinations should be evidence based.

Having taken all of the evidence into account the Committee have concluded that a licence should be granted limited to the lower floor of the premises, on the terms applied for (excluding the live music element which was withdrawn at the hearing) subject to the following conditions:

The conditions which the Committee are disposed to impose in addition to the relevant mandatory conditions and also conditions that are consistent with those listed by the applicant in the operating schedule are:

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1. The conditions agreed with Staffordshire Police set out on pages 40-41 of the Agenda.
2. Door Supervisors to be employed between 8.00pm and closing time to control and supervise admittance to and egress from the premises on Friday and Saturday nights.
3. That no licensable activities take place on the upper floor of the premises.

COUNCILLOR MRS JOAN WINFIELD
Chair