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Licensing Sub-Committee - 09/12/14

LICENSING SUB-COMMITTEE

Tuesday, 9th December, 2014

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Hambleton and Mrs Williams

1. **APPLICATION FOR A PREMISE LICENCE - ST MARY'S CONVENIENCE STORE.
65 UNITY WAY, TALKE**

Resolved:-

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 both Staffordshire Police and other persons on the basis that to grant the application would undermine the licensing objectives relating to crime and disorder, the prevention of public nuisance and the protection of children from harm. The committee considered those licensing objectives in the light of what had been said and took into account that Staffordshire police had entered into negotiations with the applicant and were prepared to withdraw their objection to the grant of the premise licence on the basis of an agreement that had been reached regarding the imposition of the conditions referred to in the report. On the basis of the agreement reached by the police and the representations made by other persons the committee were persuaded, on balance, that it would not offend the licensing objectives to grant the application (subject to the agreed conditions).

The committee heard that the residents were concerned about parking and other traffic management situations in the area but unfortunately these were not within the remit of the committee.

The committee in its deliberations took into account the decision of the High Court in the Thwaites case that all determinations of licensing applications should be made on empirical evidence, and should take no account of speculative evidence. Also, the committee took into account paragraphs 1-0.13 -10.15 of the Secretary of States October 2014 guidance that licensing authorities must consider each application and must not impute pre-determined licensing hours unless circumstances justified. Further, shops and stores should normally be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet was open for shopping unless there were sound reasons based on the licensing objectives for restricting those hours. The committee had heard no evidence to warrant such a restriction.

The guidance at paragraph 9.42 re-iterated that the authority's decisions should be evidence based justified as being appropriate for the promotion of all the licensing objectives.

The committee having regard to the Act and the guidance, reviewed the evidence included and the petition but concluded that there was no real evidence which could justify preventing the grant of the application.

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Therefore, having taken into account what had been said and all the evidence supplied, the committee concluded that the licence should be granted on the terms applied for, subject to the relevant mandatory conditions: Those conditions that were consistent with those listed by the applicant in the operating schedule and also those conditions agreed with the police as set out in pages 117-120 of the report considered by the committee and a notice will be issued to that effect.

COUNCILLOR MRS JOAN WINFIELD
Chair