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LICENSING SUB-COMMITTEE

4 December 2008

Present: - Councillor Mrs Heames in the Chair

Councillors Mrs Cornes and Maskery

R Cooper	- Clerk
H Guzel	- Applicant
B Wain	- Representative of applicant
Cllr Mrs Williams	- Observer
Cllr Nixon	- Observer

624. * **B-HIVE NEWS, 4-6 BEATTIE AVENUE, NEWCASTLE, STAFFS**

Issues

Representations had been received from a number of interested parties residing in the vicinity of the premises on the basis that to grant the application would undermine the prevention of crime and disorder, public nuisance, public safety and protection of children from harm Licensing Objectives.

Decision

The sub-committee took into account the Licensing Act 2003, the guidance issued by the government and the council's own statement of licensing policy and further considered the 12 letters of objection from local residents under all 4 of the licensing objectives. The letters demonstrated that the premises was associated with a past history of trouble and that there was clearly a strength of feeling arising from this application.

The sub-committee having considered the evidence presented by the applicant agreed to grant the application subject to the conditions set out at page 19 of the operating schedule which they amended as follows:-

- **Prevention of crime and disorder**

.....Two cameras will be on the outside of the premises such tapes to be professionally maintained and made available to the police.

All alcoholic products to be *indelibly/permanently* labelled with the name of the outlet.

The sub-committee imposed 2 additional conditions:-

- 1) That the premises be licensed to sell alcohol between the hours of 8am and 8pm only (which the sub-committee understands mirrors the closing time of the premises).

- 2) That outside the licensable hours of the premises shelves and displays of alcohol be secured from the remainder of the premises.

In reaching their decision the sub-committee had particular regard to paragraph 10.21 of the S182 guidance which provided that “shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons based on the licensing objectives for restricting those hours”. The sub-committee also took into account the recent high court decision in the Thwaites case which provided that whilst entitled to take into account their local knowledge, personal views must be measured against the real evidence presented and the sub-committee must not depart into the realms of impermissible speculation.

MRS A HEAMES
Chair