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LICENSING SUB-COMMITTEE

15 December 2010

Present: Councillors N Jones in the Chair

Councillors Hambleton and Miss Reddish

Mr Paul Washington - Clerk

543. * **KIDSGROVE CONVIENIENCE STORE, 5 KING STREET, KIDSGROVE - APPLICATION FOR A PREMISES LICENCE**

Issues

A representation in the form of a petition had been received from interested parties living in the vicinity of the premises and one representation had been received from an Elected Member for Newcastle Borough Council in support of the petition. An agreement had also been made previously between the applicant and Staffordshire police regarding the inclusion of certain licensing conditions.

Decision

The Committee took into account the Licensing Act 2003, the guidance issued under section 182 of the Act, the Council's statement of licensing policy and the representations received from interested parties.

The Committee took into account the fact that the interested parties had no real objection to the grant of the licence for so long as the conditions proposed by the police were adhered to and that alcohol was sold no earlier than 9.00am. The solicitor for the applicant drew to the Committees attention the Thwaites case which made it clear that all determinations of licensing applications should be made on empirical evidence and should take no account of speculative evidence.

Further to this, the Guidance at 10.21 stated that shops should normally be free to provide sales of alcohol for consumption off the premises at any time when the outlet was open for shopping unless there were good reasons based on licensing objectives to restrict the hours.

The Sub-Committee was impressed by the applicants proposed conditions and agreed measures in order to promote the licensing objectives and that he had taken into account that if there were future problems that objectors would have the right to call for a review of the premise.

The Sub-Committee disregarded the petition as being improperly made and due to the fact that it contained signatures of some people who did not live in the vicinity of the premise.

The Sub-Committee were disposed to grant the licence subject to the following conditions:

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That the conditions agreed with the Police be adhered to and included on the licence.

- (1) That no sales of alcohol take place before 9.00am on Monday to Saturday inclusive.
- (2) That no sales of alcohol take place before 10.00am on a Sunday.

N JONES
Chair