

\*Printed for information

## **LICENSING SUB-COMMITTEE**

**8 March 2010**

**Present:-** Councillor Mrs Heames in the Chair

Councillors Hambleton and Slater

P R Washington – Clerk

S Archer – Applicant

V J Archer

J Cooper

C Hill

H Wilcox

D E Webb

R A Stevenson

M Mellenchip

K Stevenson

H R Marsh

G Marsh

Interested Parties

### 930. \* **ARCHERS STORES, 1 HEATON TERRACE, PORTHILL**

#### **Issues**

Representations had been received from residents within the vicinity of the premises concerning the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety.

#### **Decision**

The Sub-Committee took 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 a number of interested had objected to the application on the basis that to grant the same would undermine the crime and disorder, public nuisance and the protection of children from harm objectives.

The Sub-Committee considered those licensing objectives in the light of what had been said and listened to the arguments and were persuaded that to grant the licence would not offend the licensing objectives.

Much had been said in evidence about anti-social behaviour and parking problems in the area. Parking problems were of course a planning issue.

Whilst the Sub-Committee were sympathetic to what had been said, a recent High Court decision had made it clear that all determinations of licensing applications should be made on empirical evidence and should take no account of speculative evidence.

Further 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 were impressed by the applicant's proposed procedures in order to promote the licensing objectives and had taken into account that if there should be any future problems the objectors had a right to request a review of the licence and in this respect they were advised to keep a note of any future problems.

The Sub-Committee were therefore disposed to grant the application and a notice would be issued to that effect.

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

- (1) That the proposed CCTV system to cover both inside and outside the property.
- (2) That best endeavours to be used to ensure that parking for deliveries to the property so far as possible utilise the dedicated parking facilities available for the property.

**MRS A HEAMES**  
**Chair**