

## **LICENSING SUB-COMMITTEE**

Wednesday, 9th November, 2011

**Present:-**

Councillors

S Tagg, D Cornes, G Williams

### **2. REPORT - APPLICATION FOR A PREMISES LICENCE PARK STORES**

Having taken into account the licensing act 2003 and the guidance issued under section 182 of the act, the councils statement of licensing policy and also the fact that the police and a number of interested parties had objected to the application on the basis that to grant the application would undermine the crime and disorder, public nuisance and protection of children from harm licensing objectives.

It was noted that the police had withdrawn their objection upon agreed conditions.

The committee considered the licensing objectives in the light of what had been said, and having listened to the arguments were persuaded that whilst the application was not desirable in terms of the location of the premise, that this was unfortunately not one of the licensing objectives and the committee had to make its decision within the law and government guidance.

The committee took into account the recent high court case involving Thwaites, where it was decided that determination of all licensing applications should be made on empirical evidence and should take no account of speculative evidence. Further, the secretary of states guidance at 10.21 and 13.42 stated that shops should normally be free to provide sales of alcohol for consumption off the premises at any time. The outlet is open unless there are good reasons based on the licensing objectives to restrict the hours. The councils policy mirrors this at 3.13.

The objectors stated that there were alcohol problems in the area already but, whilst the committee had sympathy for what had been said there was little that could be done in the consideration of this application unless there were subsequent problems at the premises.

In respect of the possible problems at the school it was noted that the trading standards department had not objected.

Therefore, subject to the conditions that would be referred to:

The committee were prepared to grant a licence for the premises 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:

Those set out in the letter from North Staffordshire Police to the applicant dated 22nd September 2011 which had been agreed to by the applicant.

**Chair**