

## **LICENSING SUB-COMMITTEE**

Monday, 15th October, 2012

**Present:-** Cllr Hambleton in the Chair

Councillors Mrs Bates and Eastwood

1. **APPLICATION FOR A VARIATION TO A PREMISE LICENCE, BIRAKS, 45 LONDON ROAD, CHESTERTON**

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 a number of interested parties had objected to the application on the basis that to grant the application would undermine the crime and disorder objective. The Committee considered that licensing objective in the light of what had been said and listened to the arguments and were persuaded that it would not infringe the licensing objectives to grant the application. None of the objectors appeared at the hearing and the representative for the applicant referred to the fact that largely the written objections had no relevance. The Committee also noted that none of the responsible authorities had objected.

The Committee took into account the High Court decision in the Thwaites case that 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 10.22 stated that shops should normally be free to provide sales of alcohol for consumption off the premises at any time when it was open for shopping unless there were good reasons, based on the licensing objectives for restricting those hours. The Committee were not aware of any such reasons.

The Committee were impressed by the nature and number of steps that the applicant intended to take to promote the licensing objectives as a result of the proposed variation.

On the basis of the above and subject to the conditions that would be referred to the Committee were prepared to grant a variation of the licence for the premises and a notice would be issued to that effect

The conditions that the Committee were disposed to impose in addition to any relevant mandatory conditions were those listed by the applicant on pages 19-21 of the application

**Chair**