

LICENSING SUB-COMMITTEE

Tuesday, 3rd December, 2013

Present:- Councillor Hambleton in the Chair

Councillors White and Mrs Winfield

1. **APPLICATION FOR A PREMISE LICENCE - ASDA, MORRIS SQUARE, WOLSTANTON**

Having taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and also the fact that representations have been received from local residents and East Newcastle Locality Action Partnership (ENLAP) relating to the Prevention of Public Nuisance

The Committee have considered that licensing objective in the light of what had been said and had listened to the arguments and were persuaded that in the light of the applicants offer to amend their application to provide for the sale of alcohol for an additional hour in the morning, it would not offend the licensing objectives to grant that amended application.

The Committee were however, concerned with the hours originally proposed in view of the evidence given by a resident whose property adjoined the premises that has family who had experienced noise and nuisance from patrons of the premises due to their parking in the vicinity of the residents premises. It was however accepted that the applicant was sympathetic to his and was engaging with local residents on order to reduce any inconvenience.

The Solicitor for the applicant brought to the Committee's attention the decision of the High Court in the Thwaites case that all determinations of Licensing applications should be made on empirical evidence and not on speculative evidence.

The Committee also took into account paragraph 10.13 of the Secretary of States guidance which states that shops 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 were good reasons to restrict the hours on Licensing objectives. In fact, the Council's own Licensing policy at 3.13 mirrored the guidance provided relevant representations were not received. Where they were however, more restrictive hours would be considered.

The Committee established that there would be no additional deliveries during the proposed new hours and it was content that there would be no additional nuisance.

Resolved:- That the revised application for the sale of alcohol for an additional hour from 7.00am to 8.00am Monday to Saturday inclusive be granted and a notice would be issued to that effect.

**COUNCILLOR T HAMBLETON
Chair**