

LICENSING SUB-COMMITTEE

Thursday, 23rd January, 2014

Present:- Councillor Trevor Hambleton– in the Chair

Councillors Eastwood and Welsh

1. APPLICATION FOR A PREMISE LICENCE - MARSTONS NEW BUILD. LIVERPOOL ROAD, NEWCASTLE

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 representations have been received from Staffordshire Police and other persons on the basis that to grant the application would undermine the objectives relating to Crime and Disorder and the Prevention of Public Nuisance and the fact that the applicant had indicated that they were prepared to agree the conditions proposed by the Police and on that basis the Police had withdrawn their representations.

The Committee had considered those Licensing objectives in light of what had been said and had listened to the arguments and were persuaded that it would not offend the Licensing objectives to grant the application.

The residents expressed concerns about possible noise nuisance in general that may be experienced by properties at the rear of the premises but the Committee had been given assurances that Environmental Health matters were being dealt with by the Council's Planning Committee.

Residents were also concerned about the hours applied for by the applicant and the possibility of noise nuisance occasioned thereby. The solicitor for the applicant referred to the decision of the High Court in the Daniel Thwaites case in 2008 in which it was held that all determinations of licensing applications should be made on empirical evidence and not on speculative evidence.

Residents also referred to other local public houses which closed at earlier times. The Committee were in relation to this, referred to the problem of zoning alluded to in the Thwaites case where it was stressed the Licensing Authorities should not fix pre-determined closing times for particular areas. In fact the Secretary of State's guidance at 10.11 supported this.

The solicitor for the applicant also referred to the guidance at 9.39 which reiterated the fact that the Authority's determinations should be evidence based.

Having taken all of the evidence into account the Committee concluded that a licence should be granted on the terms applied for subject to the following conditions:

The conditions which the Committee were disposed to impose in addition to the relevant mandatory conditions and also conditions that were consistent with those listed by the applicant in the operating schedule were those set out in an email sent to the Applicant on the 20th December 2013 at 10.42 by the Police excluding the additional conditions relating to televised sporting events as the Committee had been

assured that there would be none shown to the public and a notice would be issued to that effect.

TREVOR HAMBLETON
Chair