

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE
LICENSING SUB-COMMITTEE**

Wednesday 9th November 2011

APPLICATION FOR A PREMISES LICENCE

PARK STORES, KIDSGROVE

Details of Application

Applicants: SHIV SINGH BAGHARIAN

Premises: THE PARK STORES

Location: Clough Hall Road, Kidsgrove, Stoke
on Trent, Staffs, ST7 1AN

Application for: PRESMISES LICENCE

REQUESTED:

M Supply of Alcohol Off the Premises

Monday to Sunday 06.30 to 21.00

O Hours Premise is Open to the Public

Monday to Sunday 06.30 to 21.00

2. Steps proposed by applicant to promote the licensing objectives in respect of the application

General

Existing Health and Safety and Fire Safety.

The Prevention of Crime and disorder

The premise already has correct specification, internal and external CCTV recordings from which will be retained for 31 days. There are existing external frontage roller shutters and the premise is fully alarmed including a panic alarm button facility. The personal licence holder will ensure that any staff involved in the sale of alcohol are fully trained regarding their responsibilities under the Licensing Act 2003 including any changes of legislation and all staff will be trained in the usage and chronicled storage of CCTV. All written training records will be available on site for inspection at any time.

Public Safety

Premise will have fully maintained fire fighting equipment on site with a maintenance contract along with emergency lighting and smoke detectors.

The Prevention of Public Nuisance

The premise already has correct specification, internal and external CCTV which is a proven deterrent in terms of any anti-social activities in respect of the outlets frontage, the immediate vicinity of the premises and the access to the park which is closed mid-evening. It is not the applicants intention to trade after 21.00 hours out of respect to the residents who are also his neighbours. The applicant and his staff will at all times continue to retail responsibly and remain vigilant in relation to any premise litter issues.

The Protection of Children from Harm

The layout of the shop gives consideration to the prevention of under age access to alcohol and any alcohol displayed in the shop will not be obstructed from the view of the sales assistants. The Premise will operate a proof of age scheme through acceptable forms of identification and will incorporate the Challenge 25 system. A sales refusal book will be fully maintained and available for inspection at any time.

3. Consultation

(a) Responsible Authorities

There have been representations from:

- Staffordshire Police (Appendix A)

(b) There have been representations from interested parties living in the vicinity of the premise (Appendix B – Restricted).

4. Policy Considerations

(a) Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:-

- (i) the prevention of crime and disorder
- (ii) public safety
- (iii) the prevention of public nuisance
- (iv) the protection of children from harm

(b) Policy Statement

The Licensing Act 2003 required the Council to publish a "Statement of Licensing Policy" that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application:-

- I. Paragraph 2.9 Trading hours;
- II. Paragraph 4.4 Prevention of Crime and Disorder
- III. Paragraph 2.15 and 4.1 Public Safety
- IV. Paragraph 4.2 Prevention of Public Nuisance

(c) Statutory Guidance

- (i) National guidance regarding the control of areas outside the premises is laid down in paragraph 2.4 and 13.17; and
- (ii) National guidance regarding licensing hours is laid out in paragraphs 13.40 and 13.41.

Copies of the Council's Statement of Licensing Policy and the Government's Statutory Guidance will be available at the Sub-Committee meeting.

5. **Comments**

In making their decision on the application, the Sub-Committee are also obliged to have regard to Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However, the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider necessary for the promotion of the licensing objectives as set out in paragraph 4(a) above:-

- (a) Grant the application as requested
- (b) to reject or amend the application

The Sub-Committee are asked to note that they may not reject the application merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

6. **List of Appendices**

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| Appendix A: | Guidance Notes – Natural Justice |
| Appendix B: | Guidance Notes – Human Rights |
| Appendix C: | Procedure to be followed by the Licensing Sub Committee |